



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

Palmer Pavilion,

Building 666,

RAF Wyton, Huntingdon,

Cambs, PE28 2EA

Telephone: +44 (0)1371 854206

E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2023/03679

RFI: 092/23

Date: 20th April 2023

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: TRANS GUIDANCE FOR POLICE.

We refer to your email dated 18th March 2023 to the Ministry of Defence Police which was acknowledged on the 20th March 2023.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

1. Please provide a copy of your force's policy on transitioning gender at work.

The following questions refer to the 2018 document "Trans Guidance for the Policing Sector" produced by Stonewall and the NPCC, written by Alex Gwynne and Clinton Blackburn

2. Page 6 states: "Personal records for individuals who transition shouldn't refer to a previous name and records made prior to their name change should be updated. One option is to mark the individual down as having left the force and create a fresh record with their new details."

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid. Is the procedure the same for operational and non-operational staff?

3. Page 7 states that shoulder numbers may be changed post transition.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid.

4. Page 8 states that warrant and staff identity cards may be changed.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary.

5. Page 8 also states that individuals who identify as gender-fluid may require two sets of cards to reflect their gender on different days. Does your force permit this?

6. Page 10 states that the record of biometric data may be changed for a transgender member of staff.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid. What changes does your force permit?

A search for information has now been completed and I can confirm that we do hold information in scope of your request.

1. Please provide a copy of your force's policy on transitioning gender at work.

Please see annex 1A.

The following questions refer to the 2018 document "Trans Guidance for the Policing Sector" produced by Stonewall and the NPCC, written by Alex Gwynne and Clinton Blackburn

2. Page 6 states: "Personal records for individuals who transition shouldn't refer to a previous name and records made prior to their name change should be updated. One option is to mark the individual down as having left the force and create a fresh record with their new details."

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid. Is the procedure the same for operational and non-operational staff?

Whenever the individual makes the decision to be known by their new identity, they annotate their details on our personnel files (Ministry of Defence - MyHR) making sure that their previous identity is deleted.

3. Page 7 states that shoulder numbers may be changed post transition.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid.

Any staff who wish to change their gender identity have the right to pick new shoulder numbers, in particular within our force, female officers identify with 3 digits or less for

shoulders numbers and male officers 4+. We give all individuals who wish to be known by a different identity the opportunity to choose.

4. Page 8 states that warrant and staff identity cards may be changed.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary.

We offer warrant cards and identity cards to be changed reflecting their chosen identity.

5. Page 8 also states that individuals who identify as gender-fluid may require two sets of cards to reflect their gender on different days. Does your force permit this?

In respect to warranted officers no, it may be considered for civilian members of staff.

6. Page 10 states that the record of biometric data may be changed for a transgender member of staff.

Please state whether your force permits this in respect of: transgender staff with a GRC; transgender staff without a GRC; transgender staff who identify as nonbinary; transgender staff who identify as gender fluid. What changes does your force permit?

Currently MDP do not hold biometric data on any staff.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office



TRANS GUIDANCE

A Guide for Staff and Line Managers

Effective from: July 2015
Last Review: June 2019

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1. AIM

This document provides staff (police and non-uniformed civilians) and Line Managers in the Ministry of Defence Police with general guidance and advice about trans issues, gender reassignment and transitioning in the workplace.

2. APPLICABILITY

All Ministry of Defence Police officers and Non-Uniformed Civil Servants (NUCS).

3. EQUALITY ANALYSIS

This document has been assessed using the MOD Equality Analysis Template and no impact was found on any groups with protected characteristics.

4. IMPLICATIONS

4.1 Training Requirements

There is no perceived training implication in adopting this guidance. However, all staff and Line Managers are required to complete the mandatory Diversity and Inclusion training commensurate with their rank and grade. In addition, [Civil Service Learning](#) provides a specific LGB&T Awareness Course which increases awareness of the issues faced by lesbian, gay, bisexual and trans (LGB&T) staff.

4.2 IT Infrastructure

There are no additional IT issues associated with the publication of this Guidance.

4.3 Related Policies or Documents

This guidance relates to and where appropriate should be read in conjunction with the following documents all of which are regularly reviewed:

- MDP Diversity and Inclusion Commitment
- MDP Dress and Appearance Policy
- MDP Trans Search Policy
- MDP and MOD Harassment Procedures
- MOD Overarching Equality and Diversity Policy
- MOD Gender Reassignment Policy
- MOD Gender Reassignment Legislation Explained
- MOD Gender Reassignment Checklist

4.4 Relevant Legislation

- Equality Act 2010 (which only applies to England, Wales and Scotland)
- Gender Recognition Act 2004
- Data Protection Act 2018 and Human Rights Act 1998

5. MONITORING AND REVIEW

The Workforce Planning, Development and Diversity Team will be responsible for monitoring and reviewing this guidance and will conduct a formal review of the efficiency and effectiveness of its application on an annual basis. This includes a review of the following measures:

- Feedback from users on the content
- Environmental scanning of policy related matters (intranet and internet)
- Implementation of actions arising from Equality Analysis

6. WHO TO CONTACT ABOUT THIS GUIDANCE

Head of Chief Officer Resources and Planning (CORP) owns this guidance with management of its content being devolved to the Workforce Planning, Development and Diversity Team who should be contacted about any enquiries.

7. GUIDANCE DETAIL

7.1 What does it mean to be Trans?

The Trans community is sometimes characterised as individuals who wish to transition from one gender to another, however the reality is that there is a much wider spectrum of gender identity. Increasingly people are comfortable to openly express themselves in other ways than male or female. Throughout this guidance the term Trans is used and this should be

understood as an inclusive umbrella term for people with a gender identity that is different from what is typically associated 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, gendervariant, cross-dresser, genderless, agender, non-gendered, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois. Some of the most common are listed here but there is a more detailed list at Annex B - but in all cases it is best to ask which term an individual prefers.

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.

Non-Binary – This is a term for a person who doesn't identify as only male or only female, or who may identify as both.

7.2 What is Transitioning?

Transitioning is a term used to describe the process an individual takes in order to live in the gender they identify as; transitioning will be a unique process for each individual and may include any number of changes to a person's life. There is no 'right' or 'wrong' way to transition, for some this involves medical intervention, such as hormone therapy and surgeries, but not all Trans people want or are able to have this. There may be a variety of reasons including cost, time or simply not feeling the need to. Transitioning could also involve dressing differently, changing official documents, telling friends and family, or a number of other things.

The start of or intent to transition will be different for everyone and after an individual transitions they may not identify as Trans; they may simply see the process as being part of their past and not current identity. For example, an individual who has transitioned and identifies as female, may refer to herself as a woman, not a Trans woman. Trans people are not required to undergo a medical intervention, such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC). It should not be assumed that the goal of every individual's transition is to change their physiology or legal gender. If a Trans person chooses not to undergo any medical intervention or gain a GRC, they are still entitled to dignity and respect along their chosen path of transition, whatever that may consist of. In terms of supporting a member of staff who is transitioning at work the most important considerations is to respect the individual's dignity, to involve them in all decisions, and to respect their wishes and confidentiality.

7.3 What is Gender Reassignment?

Those undergoing transition permanently usually have gender reassignment surgery to bring the secondary sex characteristics; breasts and genitalia, more in line with the gender identity. Under the Equality Act 2010, a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing or have undergone a process

(or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. Such a person is referred to under the act as a transsexual person and it is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions. It is not necessary to be under medical supervision and those perceived as transsexual people along with those associated with transsexual people such as family, friends and colleagues are also protected from unlawful treatment.

The terms 'transsexual' and 'transsexualism' are often replaced with terminology, such as 'trans' or 'transgender' used in a legal and medical context.

8. PROCEDURES AND PROCESSES

8.1 Transitioning at Work

Any staff wishing to change their gender and begin their workplace transition should inform their line manager who will arrange an initial discussion that covers the following:

- The support the individual will receive from the organisation including what policies and procedures are available as referred to in this document under section 4.
- Reassurance that all information from discussions with their Line Manager will be kept in the strictest confidence in line with their wishes and the law.
- Identification of a 'primary point of contact' throughout the process – ideally this person will be the individual's Line Manager but can be another appropriate representative.
- The arrangements for a further meeting to develop the individual's 'Support Plan', the purpose of which is to assist with and set out the timelines for the transition. The MOD has produced a [Gender Reassignment Checklist](#) which is a guide to the key issues that may need to be considered – but the individual is not under any obligation to complete this checklist nor to submit it to anyone.
- Details of what internal and external sources (listed at Annex C) are available for further advice and support including the MDP Transgender Ambassador and Allies and [Sh...OUT](#), which is the MOD Network for Lesbian, Gay, Bisexual and Transgender (LGBT) staff.

It is important to remember that successful support and management of an employee's reassignment depends crucially on taking account of the individual's views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise.

In preparation for agreeing their Support Plan the individual should be invited by their Line Manager to consider the following issues which will be discussed at the Support Plan meeting:

- Expected time/date of workplace transition.

- If they wish to stay in their current post or be redeployed elsewhere at the point which they adopt their new gender. Any such requests will be considered on a case-by-case basis.
- If time off may be required before beginning the transition or for any medical/surgical procedures and indicative timescales of when this will be. At the point of transitioning many trans people wish to take time off to enable them to return to work with their new name and gender, this period is often used as the opportunity to talk to other people about what is happening.
- When colleagues and/or customers should be informed – agreement must be sought from the individual on who they wish to be told, who should do this and how it should be done.
- Any other information the individual would like included in the plan or that might be useful for their Line Manager to be aware of, such as timescales, communications and key milestones/ activities - the plan will be bespoke and must be led by the individual as the person transitioning.

8.2 Confidentiality and Updating Records

The Line Manager and individual should create a list of all official documentation they hold as well as departmental/local information records that will be required to change as a result of their transition such as site passes, IT accounts and email addresses, telephone directories etc. and discuss how this is to be done to ensure timely production of new documentation where necessary. [Defence Business Services HR](#) are responsible for amendments required on HRMS and to Pay and Pension arrangements. New Force documents will also need to be sourced for Police Officers such as warrant card.

Consideration should also be given to replacing workplace documentation created prior to the individual's transition, with documents that reflect their new gender such as workplace certificates and qualifications that will remain valid and auditable. The individual will need to be consulted regarding their preferences, particularly those who have identified as nonbinary. An employee's gender history is clearly part of the individual's private medical and personal history over which the MOD and MDP will treat any records as 'sensitive data'. Access to any documentation relating to the individual's trans status will be restricted to staff who need the information to do their work. This could include people directly involved in the administration of a process, but not colleagues, other MOD or MDP personnel or future/other Line Managers and members of the line management chain.

Defence Business Services HR may hold documents, or copies of documents, relating to the individual's old identity and they would need to ensure that all documentation complies with applicable laws, principally Section 22 of the Gender Recognition Act 2004 and the fourth principle of the Data Protection Act 1998 which relates to the disposal/updating and replacement of records on the submission of a change:

(1) Subject to section 27(1), it shall be the duty of a data controller to comply with the data protection principles in relation to all personal data with respect to which he is the data controller.

8.3 Disclosure

A transsexual person who changes gender before entering employment is under no obligation to inform either management or colleagues of their gender reassignment. However, should such a person voluntarily disclose their change of gender at recruitment stage or perhaps to HR, this information must not be disclosed further without the individual's specific authorisation. The holder of a Gender Recognition Certificate may choose to confidentially notify HR of their possession of such, but best practice is to assume all transsexual employees have gender recognition.

Section 22 of the Gender Recognition Act 2004 prohibits the disclosure to any other person of 'protected information' acquired in an official capacity. The term 'official capacity' is set out to include a person's functions as a member of the civil service, a constable, an employer or prospective employer, a person acting in the course of business or in the supply of professional services.

For example, should someone working in HR with access to the employee's personal file, disclose the fact that the person was born a different gender, without the prior consent of the person concerned, a criminal offence has been committed, as well as a major breach of employer / employee confidentiality. This is a "strict liability" offence which means no room for pleading "reasonableness" - nor "only doing my job". Note that "need to know" is also not sufficient reason to disclose.

However, the Act does contain a series of exceptions listed in Section 22 as well as provision for the Secretary of State to add to them "by order", that allows "protected information" to be disclosed for valid public policy reasons, such as for the purposes of prevention or investigation of crime.

8.4 Informing Colleagues

Agreement between the individual and their Line Manager is important before communication of their impending gender transition. The approach taken will depend on the individual and will be appropriate to the size and structure of the workplace.

It may not be necessary to inform employees who have no direct contact with the individual, though it should be borne in mind that gossip travels fast and wide, so it may be preferable to include such people in order to avoid ill-informed comment. If the information is to be conveyed by the individual's line manager, it must be at a time agreed by the individual, and conversely if by the individual, then management will need to know when and how the disclosure is to take place, so that appropriate support can be co-ordinated.

A Line Manager should never disclose any employee's past gender reassignment, as it may be a criminal offence under the Gender Recognition Act 2004, section 22, as already indicated.

Once informed, everyone should refer to their colleague by their new name and use the appropriate pronouns. Some people may get mixed up, and the transitioning person will need to be aware that this might happen for a time. Management should also be aware of the fears or concerns that some members of staff may have and will need to ensure that sufficient information is available to help the workforce understand what is involved, what their responsibilities are, as well as how they can help and support the person concerned. There is no need for too much personal or graphic detail and therefore the information about an individual's gender reassignment should be provided at two levels:

- General facts about gender reassignment such as this guide and the related policies and documents referred to in section 4.3 as well as Trans equality training etc. [Civil Service Learning](#) provide a LGB&T Awareness Course which increases understanding of the issues faced by lesbian, gay, bisexual and transgender (LGB&T) staff and covers terminology and legislation.
- Specific information that will enable colleagues to understand what is happening and the needs of the particular person involved.

The following points may also be helpful for staff as informal guidelines on how to treat people transitioning:

- Think of the person as being the gender they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask. If you make a mistake with pronouns, correct yourself and move on. Don't make a big deal out of it.
- Respect people's privacy. Don't ask what their 'real' or 'birth' name is. Trans people are often sensitive about revealing information about their past, especially if they think it might colour how they are perceived in the present.
- Similarly, respect their privacy with identity and other personal documents that might have their old name on them.
- Respect people's boundaries. If you want to ask a personal question, first ask if it's ok to do so. Personal questions include anything to do with one's sex life, anatomy

(not just genitalia) and relationship status – past, present or future. Questions such as ‘Are you on hormones?’ can be considered personal.

- Listen to the person, and how they want to be treated and referred to.

8.5 Single-Sex Facilities

Agreement should be reached about when the transsexual person commences use of sanitary facilities such as toilets, showers and changing rooms appropriate to their new gender role; usually this will be from the date of transition. Difficulties can arise if objections are raised by colleagues, which will need to be dealt with sensitively. It is the responsibility of management to ensure that the transitioning member of staff’s rights to privacy and dignity are respected and to support their right to use the facilities designated for their identified gender. Other arrangements, such as requiring the Trans person to use the accessible toilets for disabled people, are not appropriate and illegal.

Any continued objection or inappropriate comments by work colleagues to the use of the facilities appropriate to the gender of transition should be seen as unreasonable (discriminatory) and should be met with communication, discussion and education before the situation gets out of hand.

8.6 Dress and Appearance

All Police officers must comply with departmental uniform/dress and grooming standards applicable to their identified gender. However, Line Managers’ need to be prepared to be accommodating and reasonable during a transsexual person’s workplace transition, it is also a requirement of the ‘social gender role transition’ (previously known as ‘RLE’ or ‘real life experience’) that someone who is transitioning wears clothes considered appropriate to their acquired gender.

Line Managers should allow the individual to decide what they feel comfortable wearing, which will be dependent on their physical body changes, hair growth/removal etc. They may also need to be issued with uniform more frequently above standard replacement scales during the transition period.

Those members of staff who cross-dress or consider themselves as transvestites (see annex B for definitions) are not covered by this guidance as generally these are considered personal preferences which are exercised outside the workplace. Should a member of staff have a case regarding cross-dressing full time and therefore at work this should be raised with their Line Manager.

8.7 Absence from Work

Time off needed during the transitioning process will vary and will be different for each individual. The Line Manager should discuss this with the individual and seek policy guidance

where necessary. As broad guidance non-surgical procedures can involve as little as two or three weeks off, however surgery can require two or three months off.

Most persons undergoing appointments at a Gender Identity Clinic will be seen on average every four months and have appointments with more than one doctor. The individual is entitled to the same sickness absence and pay as other employees in the organisation. At all times management should be prepared to be reasonable and follow the current policy and procedures for managing attendance. In addition consideration should be given to the Equality Act 2010 (Chapter 2 – Prohibited Conduct, section 16), detailed below:

Gender reassignment discrimination: cases of absence from work

(1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of gender reassignment.

(2) A person (A) discriminates against a transsexual person (B) if, in relation to an absence of B's that is because of gender reassignment, A treats B less favourably than A would treat B if—

- a. B's absence was because of sickness or injury, or
- b. B's absence was for some other reason and it is not reasonable for B to be treated less favourably.
- c. (c) A person's absence is because of gender reassignment if it is because the person is proposing to undergo, is undergoing or has undergone the process (or part of the process) mentioned in section 7(1).

8.8 Bullying, Harassment and Discrimination

It is possible that, no matter how much preparation has been made and how much support has been given, there may still be people in the team who do not understand or who are unsympathetic to the transitioning person. It is best to discuss this possibility with the transitioning person and to agree in advance personal wishes for how they want this handled if it happens.

Any incidents of misconduct, harassment, bullying or victimisation should be dealt with as quickly as possible. It would be good practice, during the work place transition to arrange to meet regularly with the trans person to ensure that they feel able to raise any issues that might arise.

Bullying and harassment are common features in the lives of transsexual people but this does not in any way make this behaviour remotely acceptable. The MDP recognises that people perform better when they can be themselves and when they are able to work in an environment where they are treated with dignity and respect. For these reasons the MDP has

a zero tolerance stance regarding harassment, bullying, and discrimination. The Equality Act 2010 also affords legal protection to transsexual staff from overt harassment and bullying.

Furthermore, the public sector duty requires public authorities to ensure their policies adequately cover employees who are proposing to undergo, are undergoing or have undergone gender reassignment against discrimination, harassment and victimisation. Due regard must be given to advancing equality and fostering good relations between transsexual people and others when considering policy development, procedures and staff training in this area. It is important that policies in this area protect not just transsexual people from harassment, but all transgender people and all other employees, in order to meet the wider obligations to protect those perceived as transsexual, and those who associate with transsexual colleagues.

Examples of harassment by trans people may include a range of hostile or offensive acts or expressions by a person or group. For example:

- derogatory remarks, “jokes”, innuendo or gossip, persistent use of incorrect name / pronoun
- threats of disclosing the gender history of an individual
- expressing or acting on stereotypical assumptions
- display of or electronic transmission of offensive materials
- exclusion from social activity
- intrusive questioning of persons undergoing or who have undergone gender reassignment
- any refusal by a work colleague to work alongside a transsexual employee on grounds relating to their transsexual status

The duty to advance equality and foster good relations places an onus on all government employees to act on transphobic behaviour in the workplace irrespective of whether any transgender staff are known to be present and the Equality Act specifically supports this in its harassment provision.

Discrimination against a transsexual person may arise from any instance of unfavourable treatment by comparison to others because of gender reassignment, including instances where equal treatment puts the transsexual person at a disadvantage including:

- refusal to promote or support a transsexual colleague
- exclusion from any work or work related activity failure to tackle harassment
- revealing the transsexual status of an employee
- a refusal to allow the use of facilities appropriate to the acquired gender refusing to change records

- refusal to acknowledge the rights of a transsexual person or failing to acknowledge the individual's transition

The Equality Act 2010 (Chapter 2 – Prohibited Conduct, section 13 and 19), explains the definitions of direct and indirect discrimination as detailed below:

Direct discrimination

(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others

Indirect discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

- a. A applies, or would apply, it to persons with whom B does not share the characteristic,
- b. it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it, c.
- c. it puts, or would put, B at that disadvantage, and
- d. A cannot show it to be a proportionate means of achieving a legitimate aim

8.9 Handling Media Interest

Sometimes a story about an individual transitioning can attract media attention. If this happens, contact Corporate Communications press office immediately. Neither the individual nor the Line Manager should attempt to handle this on their own.

The individual must be asked for their views and consent on what information they would wish to be released in the event of a media enquiry. The officer's views can be passed to the press office, who will prepare a statement which can be issued if necessary. Other staff should be advised to maintain strict confidentiality and not to provide any information. It is worth remembering that, although initial interest may be strong, it will soon disappear. If an employee is being harassed by the media, the Force will support the officer. In extreme cases, employers and employees can complain to the Independent Press Standards Organisation (IPSO).

8.10 Searching

Discrimination law no longer contains the previous specific bar to prevent transsexual people without gender recognition from searching individuals of their acquired gender.

This is supported by the judgement in the case of *A. vs. Chief Constable of WestYorkshire Police*, made in the knowledge of the coming into effect of the Gender Recognition Act. The judgements of Lord Bingham and Baroness Hale concluded that the case did not revolve

around the Goodwin case so, by inference, a Gender Recognition Certificate is not necessary to conduct such searches.

The Equality Act 2010 allows an “occupational requirement” exception if an employer can illustrate a requirement not to be a transsexual person as being proportionate means of achieving a legitimate aim”. The act is silent on the application of this exception to those with gender recognition but the associated Codes of Practice and guidance make it clear this exception should not be applied in a blanket form, should be rarely used and be fully justified by the employer. Provisions made prior to the Equality Act 2010 need to be construed in this light.

It would therefore appear that such searches can be conducted if:

- the transsexual person is, for all practical purposes, indistinguishable from a nontranssexual person; OR
- the transsexual person has done everything possible to present as member of their new gender; OR
- the transsexual person holds a Gender Recognition Certificate

Other cases must be considered on an individual basis in line with provisions to maintain the dignity and privacy of both the searched and searching persons. For guidance on searching transsexual persons, read the MDP Transgender Search Policy which can be found under Policy Design and Learning Support on DII and MDP Net.

8.11 Vetting

Defence Business Services National Security Vetting (NSV) must be informed of any 'material' change in an individual's personal circumstances which would include a change of gender. Members of staff who hold DV clearance will need to record the change on their annual Security Appraisal Form (SAF) (if that form is due at that time) or alternatively on an aftercare Incident report (AIR). Staff who hold SC clearance must complete an Aftercare Incident Report (AIR). Both these forms can be found within JSP 440, Part 3 *Personnel Security on the MOD Intranet*. Further advice and guidance can be obtained from the Force Protective Security Team (FPST) 01371 85 4712/4218.

Annex A

ABBREVIATIONS

Below is a list of abbreviations which you might come across in reading this guide but when also researching other policy and advice documents regarding trans issues.

DBS Defence Business Services (People Services)

DBS	Disclosure Barring Services (formerly known as CRB Checks)
DIB	Diversity and Inclusion Board (MDP)
DIWG	Diversity & Inclusion Working Group (MDP)
DPA	Data Protection Act
EEC	European Economic Community
EHRC	Equalities and Human Right Commission
EWS	Employee Wellbeing Service
FTM	Female-to-Male
GRA	Gender Recognition Act
GRC	Gender Recognition Certificate
GRP	Gender Recognition Panel
IPSO	Independent Press Standards Organisation
LGBT	Lesbian, Gay, Bisexual and Transgender
MTF	Male-to-Female
MDP	Ministry of Defence Police
MoD	Ministry of Defence
NHS	National Health Service
PREP	Police Restoring Efficiency Programme
PRG	Policy, Rules and Guidance
RLE	Real Life Experience
UK	United Kingdom
UPP	Unsatisfactory Performance and Attendance

Annex B

TERMINOLOGY

The first step to getting the language right and avoiding transphobia is to understand what it means to be transgender and how powerful linguistic signifiers are for validating or, on the other hand, undermining an individual's humanity and sense of self. With that in mind, below is a glossary of terms for talking about transgender narratives in ways that promote acceptance and understanding.

Acquired gender

The new gender of a person who has had their gender reassigned and or legally recognised.

A-gendered

A person who feels their gender identity is neutral, or that they have no gender at all.

Androgynous

Having both female and male characteristics

Bi-gendered

A person who feels that his/her gender identity includes both male and female elements.

Cross dresser

A person who wears the clothes of the opposite birth sex group generally for personal and / or sexual pleasure.

Gender

The overwhelming majority of people have a gender that accords with their anatomical sex. Gender consists of two related aspects:

- i. Gender identity, which is a person's internal perception and experience of their gender;
- ii. Gender role, which is the way that the person lives in society and interacts with others, based on their gender identity.

Gender is less clearly defined than anatomical sex, and does not necessarily represent a simple 'one or the other' choice. Some people have a gender identity that is neither clearly female nor clearly male. For the purpose of the law, however, gender can only be male or female.

Gender-atypical

A person who exhibits a gender role at odds with the norm for their gender and class, in a society, is said to have an atypical gender role.

Gender Dysphoria

A person with gender dysphoria may feel that they have a gender identity that is different from their anatomical sex. As a result, they may experience anxiety, uncertainty, and or persistently uncomfortable feelings about their birth sex.

Gender presentation/gender expression

While gender identity is subjective and internal to the individual, the presentation of one's self, either through personality or clothing, is what is perceived by others. Typically, trans people

seek to make their gender expression or presentation match their gender identity, rather than their birth sex.

Genderfluid

This term refers to people who have different gender identities at different times and do not feel confined by the stereotypical expectations of women and men. A genderfluid individual's gender identity could be multiple genders at once, and then switch to none at all, or move between single gender identities. For some genderfluid people, these changes happen as often as several times a day, and for others, monthly, or less often.

Gender Reassignment

A process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex.

Gender Recognition Certificate (GRC)

A full GRC shows that a person has satisfied the criteria for legal recognition in their acquired gender. It is issued to a successful applicant if he or she is not married or in a civil partnership. From the date of issue, the holder's gender becomes the acquired gender for all purposes.

An interim GRC is issued to a successful applicant if they are married or in a civil partnership at the time of their application. The interim certificate is issued to allow the applicant and their spouse or civil partner to end their marriage or civil partnership easily. It has no legal significance beyond this use. When the marriage or civil partnership is ended, a full GRC will be issued to the successful applicant.

Intersex

Intersex refers to individuals who were born with physical, hormonal or genetic differences that mean that they do not conform to the usual male or female binary assigned at birth (although often they are assigned a particular gender at birth anyway). 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 issues as part of its current remit at this stage.

Non-binary

A term for people whose gender identities do not fit into the gender binary of Male or Female. A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they/their', 'mx' or 'ze/zir'.

Real-life experience/Real-life Test or Social Gender Role Transition

Refers to the phase during gender reassignment in which the individual must live and work in their acquired gender before certain medical procedures will be carried out.

Sex

Sex as determined by the match between body and sex organs – male, female or intersex. Sex refers to someone's physical or anatomical sex – in other words, the type of genitals they possess. Except in very rare cases of people who are intersexed, anatomical sex is well defined and easy to interpret.

Sexual Orientation

An orientation towards persons of the same sex (lesbians or gay men) or towards a person of the opposite sex (heterosexual or straight) or towards persons of the same sex and the opposite sex (bisexual). It should be noted that a person's sexual orientation is a separate from their gender identity.

Trans

An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term may include, but is not limited to, transsexual people and others who see themselves as not clearly fitting into male or female identities. Trans people may or may not choose to alter their bodies hormonally and/or surgically. The term trans should only be used as an adjective, for example, 'trans people'.

Transitioning

Is a term used to describe the process an individual takes in order to live in the gender they identify as; transitioning will be a unique process for each individual and may include any number of changes to a person's life transitioning.

Transsexual person

A person who feels a consistent and overwhelming desire to transition and fulfil their life as a member of the opposite sex. Someone in this position will have the medical condition gender dysphoria. This term should only be used as an adjective: individuals should be referred to as 'transsexual people' not 'transsexuals'.

Transvestite

A person who dresses in the clothing typically worn by the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria.

USEFUL ORGANISATIONS

a: gender

The Civil Service support network who provide advice and support for transsexual, transgender and intersex staff across the whole civil service, and its agencies and associated departments/offices.

Website: www.agender.org.uk

Advisory Conciliation and Arbitration Service (ACAS)

ACAS works with employers and employees to improve working life. Anyone can ring its helpline for advice on his or her rights at work.

Address: ACAS National (Head Office), Euston Tower, 286 Euston Road, London, NW1 3JJ.

Tel: 08457 38 37 36

Helpline – 0300 123 1100

Website: www.acas.org.uk

Data Protection

The Office of the Information Commissioner oversees and enforces compliance with both the Data Protection Act 2018 and the Freedom of Information Act 2000.

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Data protection Help Line: 01625 545 745 or 0303 123 1113

Registration/Notification Line: 0303 123 1113

Email: notification@ico.gsi.gov.uk

Website: www.ico.gov.uk

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service checks potential criminal records of individuals for employers in the public, private and voluntary sectors to identify candidates who may be unsuitable for certain work. The DBS has a confidential checking process for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check.

Address: DBS sensitive Applications Team, Customer Services, PO Box 165, Liverpool, L69 3JD

Email: sensitive@db.s.gsi.gov.uk

Employee Wellbeing Service (EWS)

The EWS provides a confidential advice service which supports employees experiencing emotional problems as a result of domestic or work related issues.

Tel: 93345 7750 (mil) 0800 345 7047 (STD)

Opening hours 0800 – 1630 (Mon-Fri)

Website: Defence Intranet - [Defence Business Services \(DBS\) - People Services](#)

Equality and Human Rights Commission (EHRC)

The role of the EHRC is to promote equality and human rights, and to create a fairer Britain. They do this by providing advice and guidance, working to implement an effective legislative framework and raising awareness of people's rights.

Address: EHRC, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX.

Telephone: 020 7832 7800

Email: info@equalityhumanrights.com

Website: www.equalityhumanrights.com

GIRES (The Gender Identity Research & Education Society)

GIRES' primary mission is to improve the circumstances in which trans people live, by changing the way that society treats them.

Address: GIRES, Meverley, The Warren, Ashted, Surrey KT21 2SP

Tel: 01372 80155415

Website: www.gires.org.uk

FTM Network

The FTM network is an informal self-help group, open to all female to male transgender and transsexual people, or those exploring this aspect of their gender.

Address: BCM FTM Network, BM Network, London WC1N 3XX

Tel: 07948 250 778

Email: f2mlondon@hotmail.com

Website: www.ftmlondon.org.uk

Gendered Intelligence

Gendered Intelligence is a community Interest Company which:

- Delivers arts programmes and creative workshops to trans young people
- Delivers facilitated workshops to young people in schools, colleges, youth groups and other settings from across the UK.
- Offers transgender awareness training, policy development and consultation, raising awareness of young trans people's experiences and needs.
- Contributes to the creation of community cohesion across the whole of the trans community throughout the UK.

Website: www.genderedintelligence.co.uk

Gender Recognition Panel

The Panel processes applications for Gender Recognition Certificates. Its website features guidance on the consequences of obtaining legal recognition of an acquired gender.

Website: www.grp.gov.uk

Gender Trust

This is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work. In particular, this group includes employers, human resources officers, health workers and information services.

Address: The Gender Trust, 76 The Ridgeway, Astwood Bank, B96 6LX

Email: info@gendertrust.org.uk

Website: www.gendertrust.org.uk

NHS

The NHS website contains useful information about Gender dysphoria and how it is treated.

Website: www.nhs.uk/Conditions/Gender-dysphoria/Pages/Introduction.aspx

NTPA

The National Trans Police Association represent and provide support to serving and retired Police Officers, Police Staff and Special Constables with any gender identity issue including, but not exclusively, Trans men, Trans women, people who are Transgender, androgyne or intersex and people who cross dress.

Website: www.ntpa.org.uk

Sh...OUT

The MOD Lesbian, Gay, Bisexual and Transgender (LGBT+) Network who provide support to all staff on Lesbian, Gay, Bi-sexual and Trans-gender issues in the workplace.

[LGBT Police Resources](#) – Provided by NPCC.

Email: LGBT-Groupmailbox@mod.uk

Website: Defence Intranet – [MOD LGBT Network](#)

Stonewall

The MDP are members of Stonewall who campaign for the equality of lesbian, gay, bisexual and trans people across Britain.

Address: Tower Building, York Road, London, SE1 7NX.

Information line: 020 7593 1850 Open 0930-1730 (Mon-Fri)

Email: Info@stonewall.org.uk

Website: www.stonewall.org.uk

NPCC have provided links to LGBT resources designed to support both Management and employees.

[LGBT Police Resources](#)

Transgender Ambassador and Ally

The MDP Diversity and Inclusion Support Structure includes representatives (Champions, Ambassadors and Allies) for all the Protected Characteristics including Gender Reassignment (Transgender). Contact details can be found on the Diversity and Inclusion pages on MODNet..