

# Transgender and Gender Non-Conforming Guidance



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## 1. Introduction

- 1.1. Under the Equality Act 2010 a person has the protected characteristic of gender reassignment if "the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex".
- 1.2. The Equality Act Statutory Codes of Practice make clear that you don't need to have spoken to a doctor and you don't need to take hormones or have any surgery. You don't need to have a gender recognition certificate (GRC). It's enough to have proposed, for example, that you intend to change your name or title (e.g. Ms/Mx/Mr) or the pronouns you use (e.g. She/They/He). The Service Provision Statutory Code of Practice states that gender-variant children are included in the gender reassignment protected characteristic.
- 1.3. In September 2020, the Employment Tribunal ruled in Taylor v Jaguar Land Rover Limited that the protected characteristic of gender reassignment includes people who identify as non-binary or gender fluid.
- 1.4. This guidance is designed to be a resource for both staff and students. It includes working hyperlinks for ease of access to external websites and specialist organisations. It is fully inclusive of and extends its protection over, all transgender and gender non-conforming identities including non-binary and gender-fluid.

## Having a Conversation

- 1.5. Students or staff may be going through a time of uncertainty between their own gender identity and biological sex (gender dysphoria) causing them significant anxiety and distress. West College Scotland's main concern is to do what is best for that person, by listening to them and trying to see the situation from their perspective. It is important to remember that being a transgender student is not a safeguarding issue, the student is not subject to different child protection measures; however, they may need more support than other students or staff members. Remember there may be other contributing factors.
- 1.6. Always begin by having an open, encouraging, and honest conversation. Don't assume that parents/ guardians and other family members will know that the individual is transgender/gender non-conforming. In this conversation, it is unlikely that you will be discussing anything that the individual hasn't already experienced or thought about before,

and it will give them confidence to know that including them, and supporting them, is important to you.

**1.7.** The individual might want to adopt a different name or use different pronouns to describe themselves, such as 'he' 'she' or 'they' etc. - this should always be respected.

**1.8.** Reassure the individual that you will support them as you would do all individuals. Remember, transgender and gender non-conforming people may face unwelcome reactions from peers and even from family members. Make sure they know that they can tell you if anyone is not supportive.

**1.9.** All conversations should be treated in confidence, and you should always offer reassurance. Also tell the individual that their confidentiality will be respected in line with West College Scotland's policies and processes. Additionally:

- Actively listen to them, be accepting and supportive.
- Ask them how they would like to be supported or if there's any information they want or need.
- Let them know if needed to, they can come and talk to you again or recommend someone else whom they can speak to. They can contact [inclusion@wcs.ac.uk](mailto:inclusion@wcs.ac.uk)

**1.10.** Some transgender people may wish to change their name to make it in line with their identity (see section for students and section for staff). Although they may not have changed their name legally, individuals have the right to choose the name by which they like to be known in the College, or by friends and family. Respecting an individual's request to change their name and pronoun is a pivotal part of supporting and validating that person's identity.

**1.11.** Ask the individual what their new pronoun might be and where or when to use it, and then use it in those circumstances. If you make a mistake, correct yourself and move on – try not dwell too much on the mistake that was made. We recommend you avoid gender stereotyping where able, use neutral pronouns like students or everyone.

**1.12.** There is a possibility that the individual is only able to present in their affirmed gender whilst away from home; this may be because parents or family members are unaccepting them, or they are anxious about disclosing to them. It is essential not to 'out' them by disclosing anything without their consent, and it is also important to provide a safe space for them to be

themselves. it is common for transgender and gender non-conforming people to be 'outed' accidentally. For example, referring to them as their new name or pronouns on front of people who do not know.

- 1.13.** Remember, each student, staff member and situation is going to be different, so approach each individual on a case-by-case basis. You will always have the support of the Organisational Development and HR team, so discuss with your local leadership team if experiencing any challenges to implementing the advice in this guidance.

## **Transition**

- 1.14.** This whole process of transition is a unique experience for all individuals that undertake it. People may decide they want to either alter their body permanently or their appearance to match their affirmed gender. Puberty can be a challenging time, especially as a child's body is changing physically. They might be prescribed medication to stop puberty from progressing, or (from age 16) hormones to allow their body to develop in the way of their affirmed gender.
- 1.15.** There may be reasons why a student or staff member might not seek medical advice. They may not be old enough or have disclosed it to their family. As a result, they may try to adapt as their bodies develop. For example, students or young people who are transgender boys with developing breasts may strap down their chests to make it less obvious, named binding. They can often experience a great degree of discomfort when participating in strenuous activities. If you know someone who is binding their chest, make sure that you monitor their performance carefully during particularly physical activities and hot temperatures. Binding could cause both discomfort or adversely affect breathing. You could think about subtly offering more breaks. If at any point the student's binding becomes a safety risk to them during an activity, i.e., creating severe breathing issues, then the student's participation must be stopped. A student can request a personal risk assessment by contacting [inclusion@wcs.ac.uk](mailto:inclusion@wcs.ac.uk)
- 1.16.** Transgender people may go on to have surgery to change their body to match their affirmed gender identity. It is usually a complex process taking place over a prolonged period. It is important to recognise that this experience can be very stressful, confusing, or upsetting for the individual. What is important to remember is that whatever stage they are at in this

process, a transgender person must always be treated with respect and as a member of their affirmed gender.

## 2. Student Guidance

**2.1.** The College understands that the process of transitioning is challenging, trans identities are diverse, and that support must be flexible and tailored to the individual. When a student discloses to a member of staff that they are transitioning. The member of staff will discuss the following:

- The date that the student would like to being officially associated with their affirmed gender.
- The process for changes to records and other information.
- How relevant staff members and students will be informed of the students affirmed gender, pronouns, name etc.

**2.2.** When the student is ready to do so, they can request a change to their details through MyWest by clicking on 'Update My Details'.



**2.3.** This will then open a confidential online form.

**MyWest: Update My Information**

Use this form to request a change to the personal information contained within your Student Record.

Hi, [Name]. When you submit this form, the owner will see your name and email address.

\* Required

1. Student Reference Number: \* [Text input]

2. Campus of study \* [Radio buttons: Clydebank, Greenock or Greenock Waterfront, Paisley, Other]

3. Tell us what you want to change (e.g. Mobile phone number): \* [Text input]

4. Tell us what you want us to change it to: \* [Text input]

5. Some changes require proof. If required, please upload your document(s) here: (Non-anonymous question) [File upload button]

File number limit: 5 Single file size limit: 100MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

**Submit**

- 2.4.** This form should be used to explain new name, affirmed gender and pronouns. The contents of this form is sent to the Online Services mailbox ([onlineservices@wcs.ac.uk](mailto:onlineservices@wcs.ac.uk)) for action by a member of the Online Service Team. The Online Services team member will then action or seek further information. Alternatively, the student can email directly to the online services mailbox from their student email account.
- 2.5.** If a student has *legally* changed their first name by deed poll, they should include a copy of their deed poll certificate as evidence on the online form or in their email to Online Services. The College will ensure that any such disclosure is respectfully and sensitively dealt with, and

that confidentiality is maintained at all times. All changes to details will be dealt with in a sensitive and confidential manner and in line with all relevant General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

- 2.6.** When a student has updated their records with the College, the SQA will be informed of any change of name. You can view the [SQA guidance](#) on their website.
- 2.7.** When a student will be undergoing gender reassignment surgery, they should follow the 'Student Attendance and Engagement Procedure'. For outpatient appointments prior to the surgery these will be marked as authorised absences and for sick leave following the surgery this will be classed as a long-term medical absence. It is common for individuals to be back at work 6 weeks after surgery.

#### **Uniform/PPE**

- 2.8.** Uniform and PPE are not gender specific. PPE is mandatory as it directly aligns with a risk assessment for the work that is carried out. If a student is unable to wear PPE, they are unable to participate in the activity.

#### **Gender-Neutral Facilities**

- 2.9.** Estates are currently in the process of designating gender-neutral facilities on each campus.

#### **Clydebank**

Ground Floor Gender Neutral Accessible Toilet and Changing Room.

1<sup>st</sup> Floor Gender Neutral Toilets in the centre of the corridor.

#### **Greenock (Finnart)**

Gender Neutral Toilets and Changing Room 4<sup>th</sup> and 7<sup>th</sup> Floor. Gender Neutral Toilet on First Floor.

#### **Greenock (Waterfront)**

Gender Neutral Toilets and Changing Room Ground Floor Right Hand Side.



## **Paisley**

All Accessible toilets are Gender Neutral.

Gender Neutral Accessible Toilet and Changing Room Ground Floor Renfrew Ground Floor.

- 2.10.** Regarding the use of facilities, it is important to note that trans people should be able to use the facilities with which they are most comfortable (regardless of whether these are perceived to be associated with their gender identity or not) and must not be restricted in doing so.

## **Support for Students**

- 2.11.** The College has dedicated Student Wellbeing and Counselling services. Both services are LGBTQIA+ inclusive.

## **Safeguarding**

- 2.12.** Being a transgender or gender non-conforming student or young person in itself is not a safeguarding risk and should not be treated as such. It only becomes a safeguarding matter when the individual is being bullied, harassed, or discriminated against. If you have any concerns, discuss with your CQL and refer to the WCS Safeguarding policy and/or liaise with the Safeguarding Team. If there's a safeguarding issue related to the student's gender status and their welfare is at risk, it would then be acceptable to disclose their transgender status in line with safeguarding protocols. Remember that the needs of all students involved in a safeguarding issue should be approached in a balanced and considered way.

## **3. Bullying and Harassment**

- 3.1.** The College operates a zero-tolerance policy on all bullying, harassment and discrimination, including ones on the grounds of gender identity/expression and/or trans identity. Transphobia may look like but are not limited to use of derogatory language, jokes or banter, insults or threats, social exclusion, rumours or gossip, asking intrusive questions, unnecessary and degrading references to one's gender identity.

- 3.2.** Students should report any bullying, harassment or discrimination to their lecturer or curriculum quality leader in the first instance. Then the relevant policy or procedure will be followed thereafter. Complaints may also be dealt with informally by contacting the Inclusion lead [inclusion@wcs.ac.uk](mailto:inclusion@wcs.ac.uk)

## **4. Language**

- 4.1.** Everyone's gender identity and expression must be respected, and its validity must not be questioned. Therefore, make sure to address a trans person using their correct name and pronouns. Never assume what these might be, if unsure ask the person how they would like to be addressed. It is inappropriate to ask a transgender person question around their body/transition/experiences of surgery, etc.
- 4.2.** The use of derogatory language both from / to students and colleagues is discrimination and harassment, and breaches relevant legislation.
- 4.3.** Further information on what is acceptable LGBTQIA+ - related language can be found under 'Resources' section of this document.

## **5. Linked Policies and Procedures**

### **For Students**

- Student Attendance and Engagement Procedure
- Safeguarding Policy
- Student Disciplinary Policy

## 6. Resources

### 6.1. Relevant Legislation:

- [Equality Act 2010](#)
- [Commission in Scotland | Equality and Human Rights Commission](#)
- [Gender Recognition Act \(2004\)](#)
- [General Data Protection Regulations and Data Protection Act \(2018\)](#)
- [The Data Protection Act 2018](#)
- [Human Rights Act \(1998\)](#)

### 6.2. Appropriate LGBTQ+ - related Language and Glossary of Terms:

- [GLAAD Media Glossary of Terms - LGBTQ](#)
- [GLAAD Media Glossary of Terms – Transgender](#)
- [Scottish Trans list of Terms](#)

### 6.3. External Support and Additional Information:

- [Samaritans](#) - Confidential support.
- [TransEdu](#) - A central resource for information on supporting trans applicants, students and staff in Higher and Further Education.
- [Scottish Trans Alliance](#) - The Scottish Trans Alliance project (Scottish Trans for short) assist trans people, service providers, employers, and equality organisations to engage together to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.
- [LGBT Youth](#) - Scotland's national charity for LGBTI young people, working with 13–25-year-olds across the country.
- [Stonewall Scotland](#) - Key LGBT+ charity organisation.
- [Gendered Intelligence](#) - A Community Interest Company whose object is to deliver arts programmers and creative workshops to trans youth from across the UK in order to increase the quality of young trans people's life experiences.
- [GIRES](#) - A UK wide organisation whose purpose is to improve the lives of trans and gender nonconforming people of all ages, including those who are non-binary and non-gender.
- [LGBT Health & Wellbeing](#) - Established in 2003, LGBT Health and Wellbeing works to improve the health, wellbeing and equality of lesbian, gay, bisexual, and trans (LGBT) people in Scotland