

TITLE	REF	VERSION
Gender Identity Procedure	LSPRO005	1.0

DEPARTMENT	Student Services		
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GENDER IDENTITY PROCEDURE

Procedure Statement

Activate Learning aims to support gender diverse students. In order to enable this, this Procedure sets out clearly how we will create a safe and supportive learning environment that:

- gives support and understanding to those individuals who wish to take, or have taken steps, to present themselves in a gender different assigned to them at birth. The group recognises that the period of transition can be very complex and difficult for an individual and would wish to act in a supportive and sensitive way to ease any transition period and going forward.
- creates an inclusive trans-friendly workplace and learning environment, free from discrimination, harassment or victimisation, where all identities are treated with dignity and respect in the gender in which they choose to present themselves.
- ensures that no prospective or current student will be treated less favourably than any other on the grounds of gender identity or reassignment.

Background

Activate Learning is on a mission is to transform lives through learning. We achieve this by creating learning programmes which develop the skills and behaviours that prepare students for progression to higher education and further training, apprenticeships or employment, with an overall aim of achieving meaningful sustainable employment or self-employment, not just on completion of their programme, but throughout their careers.

Activate Learning is committed to providing a safe, professional, accessible environment; delivering services, education and progression opportunities that are inclusive and allow individuals from all walks of life to access free from prejudice and/or discrimination.

Our Learning Philosophy recognises that people learn and develop best when they feel emotionally secure and when they work in a safe environment.

We know that the experiences of a person in transition from one gender identity to another or identifying as non-binary may impact on their learning experience, their learning and progression outcomes and their overall health and wellbeing.

National statistics show that

- an increasing number of people in the UK identify as trans, currently estimated at 1% by Stonewall;
- a large proportion of people who are trans or transitioning have experienced bullying and feel unsafe.¹

Scope

¹ 75% of transgender youth feel unsafe at school, National Centre for Transgender Equality National survey; 83% of trans young people have experienced name-calling or verbal abuse, Youth Chances 2014.

This Procedure applies to students at Activate Learning colleges and learners with Activate Apprenticeships.

Definitions

Agender

Having no gender in terms of presentation, identity, etc.

Acquired gender

The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised. It is possible for an individual to transition and receive legal recognition of their acquired gender without medical assistance.

Bigender

Identifying as both male and female, possibly moving between these.

Binary gender identity

The classification of sex and gender into two distinct, opposite and disconnected forms of masculine and feminine.

Cisgender (Cis)

An individual who identifies with the gender they were assigned at birth.

Gender

Gender consists of two related aspects: gender identity, which is a person's internal perception and experience of their gender (their sense of themselves as a woman, man or non-binary person) and gender role or expression (the way a person lives in society and interacts with others – how they express themselves in terms of voice, clothing, etc.).

Gender fluid

Denoting or relating to a person who does not identify themselves as having a fixed gender, rather experiencing oneself as different genders over time.

Gender questioning

Someone exploring their gender identity.

Intersex

Possessing any of several variations in sex characteristics including chromosomes, gonads, sex hormones or genitals that, according to the UN Office of the High Commissioner for Human Rights, "do not fit the typical definitions for male or female bodies".

Non-binary gender identity

Identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time.

Queer

Term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBT community. Some LGBT people view the word as a slur, it was reclaimed in the late 80's by the queer community who have now embraced it.

Sexual orientation

Sexual orientation is different from gender identity, and the two are not related. Trans people, like any other people, can be heterosexual, lesbian, gay or bisexual.

Trans

An inclusive term for those who identify themselves as transgender, transsexual or transvestite. The term 'trans' can be used without offence but should only be used as an adjective, for example 'a trans student'.

Transgender

Transgender refers to individuals who have a gender identity or gender expression that differs from their assigned sex.

Transitioning

Transitioning is the term used to describe someone changing from one gender to another, with or without medical intervention.

Transphobia

Negative attitudes, emotions, behaviours and structures relating to people on the basis of their being trans in some way, or otherwise not conforming to conventional gender roles.

Transsexual

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

Transvestite or cross-dresser

The terms transvestite and cross-dresser refer to someone who dresses in the clothing typically worn by the opposite sex. Generally, people who are transvestites/cross-dressers do not wish to alter their body and do not necessarily experience gender dysphoria.

LGBT and LGBTQI+

The acronym for lesbian, gay, bisexual and trans, if superseded with Q, I and +, it stands for Queer, Questioning, and Intersex, with the '+' representing and embracing other identities.

Procedure statement

Students may:

- Declare their gender identity to Activate Learning and have the right to request changes to their Activate Learning record at any time in terms of gender identification
- Access support services at college if they are thinking of taking, wish to take, or have taken steps to change the gender identity they were given at birth
- Elect to choose a "preferred name" through enrolment and study, though unless changed through deed poll, the birth name is recognised and used for official purposes.
- Be assured that our programmes of learning will educate and promote equality around gender identity and that any unfair, disrespectful or discriminatory behaviour will be dealt with by Activate Learning as part of the disciplinary process.

In relation to gender identity Activate Learning will:

- Recognise the right of every individual to choose whether to be open about their gender identity and history.
- Respect the dignity of all students and their self-identified gender status and ensure that this is embedded in our curricula.
- Challenge any report of discrimination, bullying, harassment, or victimisation relating to gender identity and such behaviour will be dealt with under the Behaviour and Disciplinary Policy.
- Process the student's request to update Activate Learning records, systems and documentation to accurately reflect their new gender identity, as appropriate.
- Maintain confidentiality in accordance with the relevant clause in the contracts of all Activate Learning staff.
- Store information provided by the student appropriately and in accordance with GDPR.
- Comply with the law in relation to the protected characteristics of gender reassignment that is in force in Great Britain and Northern Ireland (Appendix 3).
- Use the student's 'preferred name', through enrolment and study rather than their birth name.
- Use the appropriate pronoun associated with the student's gender identity.
- Allow appropriate time off work or study for ongoing appointments.

Accessing support for students

Any student wishing to transition or discuss their gender identity in confidence may do so with any member of the Student Services team. All conversations regarding this will be handled sensitively and respectfully.

Only in exceptional circumstances the support team may take the decision to break confidentiality, with or without the students' consent, if necessary, where, in their professional judgement for example, there is a risk of the client harming themselves or being harmed, there is a risk of another being harmed, or if there are safeguarding issues.

Changes to personal data

Students need to notify Advice and Admissions if they would like to make a change to how their gender or name is recorded by Activate Learning by requesting a change of personal circumstances form. Any student wishing to make changes can be supported to do this by a member of the Student Services team.

Change of name

All students are required to provide legal evidence of a change of name, for example a copy of a deed poll or marriage certificate to formally change their name. Students are able to request a preferred name which will appear on their ID card but not formal documents, such as exam certificates etc.

Change of title

Students have the option to be addressed as follows

Mr., Ms, Mrs., M., or Mx.

And to be referred to as he, she, they, ze, or zir.

Change of gender

No evidence is required in order for you to change your gender.

Change of sex

For a student's sex to be changed we require a copy of the student's Gender Recognition certificate.

References

This Procedure should be read in conjunction with the following Activate Learning guidance:

- [Equality and Diversity Policy](#)
- [Information Security and Data Protection Policy](#)
- [Safeguarding Policy](#)
- [Student Behaviour and Disciplinary Policy](#)
- [Student Health and Wellbeing Policy](#)

Appendices

- Appendix 1 – Change of personal circumstance form
- Appendix 2 – External resources
- Appendix 3 – Legal information

Appendix 1 - Change of personal circumstances form

Family name: Click or tap here to enter text. Click or tap here to enter text. Given (first) name: Click or tap here to enter text.

Learner I.D.: Click or tap here to enter text.

Date of birth: Click or tap to enter a date.

Please indicate the information to be changed on the student database:

- | | |
|--|--|
| <input type="checkbox"/> Family name | <input type="checkbox"/> Given (first) name |
| <input type="checkbox"/> Term-time address | <input type="checkbox"/> Home address |
| <input type="checkbox"/> Telephone number (home) | <input type="checkbox"/> Telephone number (mobile) |
| <input type="checkbox"/> Personal email | <input type="checkbox"/> Emergency contact information |
| <input type="checkbox"/> Disability/ learning difficulty | <input type="checkbox"/> Other |

Other (please state) Click or tap here to enter text.

Give new details here: Click or tap here to enter text.

- The student has now *declared* the following disability / learning difficulty information:

Disability			Learning Difficulty		
<input type="checkbox"/>	Visual impairment	4	<input type="checkbox"/>	Moderate learning difficulty	10
<input type="checkbox"/>	Hearing impairment	5	<input type="checkbox"/>	Severe learning difficulty	11
<input type="checkbox"/>	Disability affecting mobility	6	<input type="checkbox"/>	Dyslexia	12
<input type="checkbox"/>	Other physical disability	93	<input type="checkbox"/>	Dyscalculia	13
<input type="checkbox"/>	Other medical condition e.g. epilepsy, asthma, diabetes	95	<input type="checkbox"/>	Other specific learning difficulty	94
<input type="checkbox"/>	Emotional / behavioural difficulties	8	<input type="checkbox"/>	Other learning difficulty	96
<input type="checkbox"/>	Mental health difficulty	9			
<input type="checkbox"/>	Temporary disability after illness or accident	16			
<input type="checkbox"/>	Profound/complex disabilities	7			
<input type="checkbox"/>	Autism spectrum disorder	14			
<input type="checkbox"/>	Aspergers syndrome	15			
<input type="checkbox"/>	Speech and communication needs	17			
<input type="checkbox"/>	Other disability	97			

What does the learner consider to be their main difficulty? Click or tap here to enter text.

This learner has an EHCP? Yes No

- The student has agreed that the following disability / learning difficulty information should be *removed* from their record: Click or tap here to enter text.

Staff name: Click or tap here to enter text.

Job title: Click or tap here to enter text.

Date: Click or tap to enter a date.

What to do next: Once this form is complete, send it to Admissions (either electronically or as a hard copy) and the team will update the learner's REMS' record. Updated on REMS by: Click or tap here to enter text.

Appendix 2 - External resources

Equality Challenge Unit

www.ecu.ac.uk/

Information about trans staff and students in further and higher education.

Gender Identity Research and Education Society (GIRES)

www.gires.org.uk/

For research relevant to trans people. Includes information for employers about transition at work and provides advice and training to organisations.

Gendered Intelligence

www.genderedintelligence.co.uk/

A Community Interest Company delivering trans youth programmes, support for parents and carers, professional development and trans awareness training for all sectors and educational workshops for schools and other educational settings across the UK.

Government Equalities Office

www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society

For information about the UK Government's action plan to advance trans equality.

Gender Trust

www.gendertrust.org.uk/

A charity that helps trans people and all those affected by gender identity issues.

Ministry of Justice

www.justice.gov.uk/tribunals/gender-recognition-panel

For information about the Gender Recognition Panel.

Press for Change

www.pfc.org.uk/

A lobbying and legal support organisation for trans people in the UK, it provides legal advice, training and research to trans people, their representatives, and public and private bodies.

Scottish Trans Alliance

www.scottishtrans.org

An Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

TranzWiki

www.gires.org.uk/tranzwiki/

A comprehensive directory of the groups campaigning for, supporting or assisting, transgender people and their families across the UK.

Stonewall

<https://www.youngstonewall.org.uk/lgbtq-info/gender-identity>

Appendix 3 - Legal information

The Human Rights Act 1998 (UK)

The Human Rights Act 1998 applies to all four countries of the UK and provides protection to trans people, principally under the right to a private life (Article 8). The courts have interpreted the concept of 'private life' in a very broad way to cover, among other things, a person's right to express a sexual identity, to live a particular lifestyle and to choose the way they look and dress. It also means that personal information (including official records, photographs and letters) should be kept securely and not shared without the permission of the individual concerned. In addition, the right to privacy states that unless a public authority is acting in accordance with the law, there should be no interference by a public authority with a person's exercise of their right to a private life.

The Gender Recognition Act 2004 (UK)

The sole purpose of a Gender Recognition Certificate (GRC) is to instruct the appropriate UK Registrar General to make a new entry in their register from which a birth certificate can be drawn. Where a full GRC is issued to a person (Section 9 of the Act):

- The person may have a new birth certificate in their new name and gender which does not reveal their previous name and gender
- The person is legally recognised for all purposes in their acquired gender
- The new gender applies to the interpretation of documents made before as well as after the issue of the certificate, which gives the person the right to request that references to their former name and gender be removed from old records to ensure their former identity is not revealed.
- It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person without the agreement of the individual.

Equality Act 2010 (Great Britain)

Gender reassignment is a protected characteristic. This means that there is a legal duty to protect from discrimination a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex. Gender reassignment is included in the Public Sector Equality Duty, which requires public authorities, in the exercise of their functions, to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

Failure to change a person's title, name and gender on records when requested to do so could lead to unlawful discrimination.

Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999

Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work and in vocational training (which includes higher education study).

Less favourable treatment relating to absences arising from gender reassignment is unlawful if;

- The treatment is less favourable than if it had been due to sickness or injury
- The treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.

Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment or vocational training is offered.