



The Scottish Parliament  
Pàrlamaid na h-Alba

# Trans and Non-Binary Policy Statement and Procedural Guidance

Aithris Poileasaidh agus Stiùireadh-obrach  
Thar-ghnèitheach agus Neo-bhìnearaidh

*11 March 2022*



## Introduction

As an employer, the SPCB celebrates and values the diversity of its workforce. We strive to provide an environment that is inclusive and welcoming to all, recognising that people perform better when they can be themselves.

We're committed to increasing awareness and understanding of trans and non-binary equality and transitioning in the workplace.

This means creating an environment where trans and non-binary colleagues feel supported throughout all stages of their working lives and in which equality of opportunity is promoted actively. Unlawful discrimination, harassment, bullying, and victimisation based on a person's gender identity and/or gender expression is not tolerated.

## Language and definitions

This section explains briefly who we're talking about when we use the term 'trans' and 'non-binary'.

**Trans** is an 'umbrella' term to describe people whose gender identity is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

**Non-binary** is a term for people whose gender identity does not sit comfortably with either 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

There's a broad range of terminology when it comes to describing trans and non-binary people. Trans people may describe themselves using one or more of a wide variety of terms.

It's important to recognise that language changes and evolves as understanding and perceptions change. For a fuller description of terms and definitions are attached as an [annex](#).

## Scope and Structure

The policy statement and procedural guidance apply to SPCB staff, job applicants, and agency workers engaged by the SPCB.

This document contains two sections:

**Part one:** The Policy Statement sets out the broad framework of principles within which the SPCB will operate in relation to the employment of trans and non-binary people.

**Part two:** The Procedural Guidance details our approach to ensuring good practice in relation to employment. It sets out specific actions and identifies who is responsible for carrying these out.

# Part 1: Policy Statement

The purpose of this policy is to set out our approach to promoting equality, inclusion, and support for trans and non-binary colleagues.

It's intended to provide a clear and consistent framework to be followed by all staff through which we seek to:

- Enable colleagues to maximise their potential and contribution to the Parliament by recognising individual needs and strengths.
- Ensure that no job applicant or staff member receives less favourable treatment on the grounds of their trans and non-binary status.

We recognise that everyone's experience is unique and will act in a sensitive and supportive manner in line with our values. Our [values](#) guide us in all that we do and are a central part of our working culture. They guide our daily interactions – with each other, our Members, their staff, and the public. This includes recognising that others have the right to hold views which may differ from our own.

Our intention is to ensure lived experience of colleagues informs our culture and working environment. This will enable us to progress meaningful actions and initiatives that have a felt difference for our colleagues. It also presents the opportunity to better uncover systematic barriers that would otherwise remain unseen. Listening to our trans and non-binary colleagues will be central to this.

We are committed to creating the right environment for sensitive discussion to take place in a mutually supportive space whilst removing barriers such as fear of identification, speaking out or retribution. To this end, we must ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment in line with our [Dignity at Work policy](#). We must also be aware that personal comments about a public issue may compromise our value of stewardship, including our duty of impartiality.

Together, our values help to build a working environment where trust, dignity, and transparency thrive.

## Why is this policy important?

We're committed to eliminating trans and non-binary discrimination in our structures and employment practices and encouraging change in individual behaviour and attitudes.

We're also committed to creating a working environment based on good relations between staff: an environment that is based on a shared commitment to diversity and difference.

## How will this be achieved?

This policy will assist us in putting our commitment to inclusion of trans and non-binary people into practice. This means:

- All staff will be made aware of the terms of this policy.
- Job applicants will not be denied access to employment because of their gender identity.
- All colleagues and job applicants will be treated with respect and in accordance with our values and behaviours.
- We will use respectful language and terminology about trans and non-binary colleagues' identity, including the correct use of pronoun.
- Colleagues will not be excluded from training, job opportunities, or promotion, or be redeployed against their wishes, because of their gender identity.
- We will provide a supportive working environment for colleagues who wish their trans and non-binary status to be known.
- We will respect the privacy of colleagues who wish their trans and non-binary status to remain confidential.
- We will support colleagues in their choice of dress in connection with their gender identity, gender fluidity or gender expression.
- We will provide appropriate facilities for trans and non-binary staff, including use of preferred changing and toilet facilities.
- Regular gender identity training will be available for all colleagues and can be requested by all managers when there is a perceived need for such training. Bespoke mandatory training that is role specific will be identified to promote an inclusive working environment.
- Colleagues undergoing medical or surgical procedures related to transition will receive positive support to meet their needs during this period.
- Colleagues can report concerns on a strictly confidential basis, including seeking advice through our Independent Support Service. They can be contacted on 0800 756 9969.
- Any allegations of bullying, harassment, abuse, intimidation, and victimisation will be independently investigated.
- We will continue to develop our monitoring and collection of relevant information on gender identity to help us support our colleagues the best we can.
- Best practice in relation to equality, diversity and inclusion will be followed.

## Part 2: Procedural Guidance

This guidance, along with the policy statement above, sets out your rights and protections under the Equality Act 2010. They sit under the [Dignity at Work Policy](#) and should be read as part of our wider commitment to equality, diversity, and inclusion.

### Equality in recruitment

We will ensure that no trans or non-binary person experiences unlawful discrimination at any stage of the recruitment process.

Colleagues and job applicants may apply for posts without disclosing their gender identity.

Should a colleague or job applicant reveal their trans or non-binary status at any point in the recruitment process, this disclosure will be treated confidentially.

We recognise that not all applicants will hold official documentation that is reflective of their affirmed gender. Where we require official confirmation of their identity, all applicants will be given the option of providing more than one type of official identification, for example a driving licence, passport, birth certificate, a Statutory Declaration or change of name by Deed Poll.

If the appointment requires criminal record checks, we will highlight to all applicants the confidential procedure available to trans people.

We recognise that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name then, where possible, a record will be made that the certification has been seen, but a copy will not be taken. If it is necessary for us to store a copy, they will be stored securely and only accessed by a People Adviser in the [People and Culture office](#) where there is a legitimate reason to do so.

If a role is to involve professional registration, we will, on request, check whether the registration body has a specific, confidential process for gender transition.

### Transitioning

We understand that transitioning has an impact on a person's whole life. The workplace is an important part of this, and we recognise targeted support is crucial to an individual's wellbeing.

We recognise that many trans people will not transition at all. And people will do this in different ways. We also recognise that, for some, transition can be exceptionally difficult for the individual concerned. We believe that all people should have the correct support in place if they wish to transition in their place of work, so they feel safe and comfortable in doing so.

### Who do I need to contact?

It is up to you to decide whom to tell, and when, and how to tell them. There's no requirement to disclose any information about your gender identity or transitioning at work.

However, if you wish to share this information, we're committed to providing ongoing support.

We will discuss with you your individual preference in relation to informing others, including managers, colleagues, and other relevant contacts.

If you wish the information to be shared but prefer not to do this yourself, we can talk to you and reach an agreement with you about when and how this should happen.

## What records do I need to consider?

With your consent, and from the date agreed with you, we will endeavour wherever possible to amend or destroy records held which refer to your former name and/or gender marker. This will coincide with the date on which your workplace transition begins. Care will be taken to ensure that records do not link back to your former name.

Any records which cannot be amended will be stored confidentially; you will be made aware of these records and of who, if anyone, can access them. Please be aware that this may require us to disclose your identity to a small number of staff members, although only with your explicit consent.

New security passes with your correct name and new photograph will be issued on request.

If you're aware of a record that may be held somewhere we wouldn't normally be able to access, e.g. counselling services, you should consider whether these records need to be changed and whether you're comfortable disclosing their existence so that colleagues can make the appropriate changes.

## What measures are in place to protect my confidentiality and privacy?

We're committed to respecting and maintaining confidentiality in relation to colleagues transitioning at work.

If you disclose that you have transitioned, are in the process of transitioning, or intend to or are considering transitioning, it's the responsibility of all staff to treat this information confidentially. No identifying information should be shared with any person at any time without your explicit consent. To do so would be a breach of data protection law.

As an employer, we have obligations to monitor staff equality data. We're committed to maintaining anonymity in our reporting and will not report on numbers of trans and non-binary staff where there is any risk of identifying individuals. You will be given the option not to disclose this information, however, confidential disclosure helps us to monitor the impact of any changes in policy or practices.

## What about references?

If we request a reference from your current employer, previous names or gender identity will not be mentioned unless you specifically ask us to do so in writing. We will always check with you before issuing and responding to any reference request on what name to include.

If we receive a reference request for you from a different or prospective employer, and you're in the process of transitioning or have transitioned, we will respond using your correct name and affirmed gender in the reference.

## What about my pension and taxes?

As your original staff record will be amended to reflect your new name, there should be no implications regarding taxes.

Pension, national insurance contributions or other benefits are dependent on legal sex. If you hold a Gender Recognition Certificate, you may wish to disclose this. Further information is available from HM Revenue and Customs and the [People and Culture team](#).

HM Revenue and Customs (HMRC) is usually told automatically when you change gender legally by applying for a Gender Recognition Certificate. Tell People and Culture team at the same time to allow updates to your payroll records and National Insurance contributions. Further information is available on the [UK Government website](#).

## Can I dress to reflect my gender identity?

Yes. You have a right to comply with any dress codes in a way that reflects your gender identity, fluidity or gender expression. If a uniform is in place, your manager will be flexible, and support your preferences.

## What about changing and toilet facilities?

We're committed to providing specific gender-neutral facilities across the parliamentary estate before year end 2023. In the meantime, we will ensure access to appropriate changing and toilet facilities. We recognise that this may mean access to a combination of different facilities. You'll never be required to use accessible toilets unless you wish to do so.

## How will time off for medical or other appointments be dealt with?

We recognise that transitioning may, but will not always, involve medical interventions. Should you wish to attend transition-related appointments and treatment, paid time off will be provided for SPS staff in line with our [special leave arrangements](#). If you are not an SPS staff member you should ask your employer (if applicable) about their policy for paid time off work.

If you require more time off, then this period of leave will be paid in accordance with the [Attendance Management Policy arrangements](#) for SPS staff. Your absence will not be counted for the purposes of absence monitoring or in the provision of reference requests.

We'll also discuss with you whether there is a need to put in place an action plan to support you through the process of transitioning. An action plan may detail potential periods of absence, address who should be informed, outline any proposed changes to records and identify awareness training requirements.

## Can I take time off to support a family member who is transitioning?

Yes. In line with our special leave arrangements for SPS staff, you can support your partner, spouse, or other family member to attend appointments and treatment or give assistance following surgical procedures. If you are not an SPS staff member you should ask your employer (if applicable) about their policy for paid time off work.

## What measures are in place to protect me from bullying, harassment, or victimisation?

We take a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, or victimisation.

We recognise that it's the right of every individual to choose whether to be open about their gender identity and history. To reveal a person's trans status without their consent may be a form of harassment, a breach of data protection laws, and, in a number of contexts, may amount to a criminal offence.

Where discrimination, harassment or victimisation based on gender identity, gender expression or gender history is witnessed or experienced by a colleague, this can be raised under the [Dignity at Work policy](#) and its procedures.

We're committed to taking timely actions where misconduct occurs on the grounds of an individual's gender identity in line with our [Disciplinary Procedures](#).

## Who does what (roles, responsibilities, and accountabilities)?

Everyone who works for the SPCB is expected to actively support the equal and fair treatment of colleagues.

We are all responsible for:

- Adhering to and abiding by this policy.
- Ensuring its implementation and upholding the procedures referred to within.
- Ensuring that new colleagues are appropriately briefed at induction on compliance with this policy.
- Challenging and reporting discriminatory practice or language.
- Attending and undertaking relevant training.

Leadership Group (LG) is responsible for:

- Providing direction for managers and staff who are responsible for implementing this policy.
- Putting in place a procedure through which concerns are addressed.

### Managers are responsible for:

- Ensuring that the information disclosed to them is used in accordance with the wishes of their team member and the law.
- Working with their team member to plan relevant communications, changes to records, ways to minimise disruption in the workplace whilst being as flexible as possible.
- Sharing information with others in accordance with the wishes of their team member.
- Managing any changes within a team sensitively and effectively.
- Supporting others to adjust to the changes and understand the needs of their colleagues.
- Challenging inappropriate behaviour, assumptions, and culture within their team which may cause any harm to trans and non- binary colleagues, for example by addressing any repeated refusal to address their team member by their correct name and pronoun.
- Ensuring that all team members have completed their trans equality and non-binary gender identity training.
- Where applicable, ensuring all team members are supplied with a uniform that's most appropriate for them.

### People and Culture team is responsible for:

- Producing, implementing, and communicating a trans and non-binary inclusion plan.
- Engaging and communicating with colleagues and managers about the policy and procedural guidance and raising awareness.
- Keeping under review the effectiveness of this policy and procedure.
- Seeking feedback and engaging with members of the trans and non-binary community at work
- Keeping contents of the policy and procedure up to date and available for staff to view.
- Identifying additional policies and initiatives that promote trans and non-binary inclusion, including training and awareness raising sessions.
- Reporting to LG on any issues of discrimination or non-compliance of this policy and procedural guidance.

### SPOut Network supports colleagues by:

- Acting as a support network for trans and non-binary staff in the workplace
- Signposting to useful resources, including to this Policy, to help people find further information and support. Maintaining the confidentiality of colleagues who approach them for advice
- Helping the Parliament continue to meet the challenges of becoming a safe and inclusive workplace for trans and non-binary people
- Recommending ways to improve experience and engagement with trans and non-binary communities.

# Where can I get confidential advice or support around transitioning?

There are different ways you can access support and advice. This includes:

- Speaking to your manager or a colleague
- A confidential support service provided by Optima Health which is available 24 hours a day, 7 days a week on 0800 032 9849. The trained counsellors are on hand to provide you with any emotional guidance and support
- Contacting SPOut colleagues

## Other sources of useful support

- Trans and non-binary equality guidance for managers in the [Employee Handbook](#)
- [Dignity at Work policy](#)
- Occupational Health and [Employee Assistance Programme](#)

You may find these external resources useful:

- [Equality and Human Rights Commission \(EHRC\)](#) is a statutory body with responsibility for promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales across all protected characteristics
- [The Gender Trust](#) is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work
- [Scottish Transgender Alliance](#) offers guidance to employers on transgender equality issues and good practice in Scotland and provides information to support transgender people in understanding and accessing their human rights
- [LGBT Health and Wellbeing](#) offer a programme of support services for LGBT people living in Scotland
- [NHS Inform](#) – provides advice and guidance to trans people about their rights
- [ACAS – Supporting Trans Employees in the Workplace](#) – Acas (Advisory, Conciliation and Arbitration Service) provides an impartial service to employers and employees and their representatives

# Annex

## Definitions and Terminology

**Trans** is an 'umbrella' term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

**Non-binary** is a term for people whose gender identity does not sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

**Gender expression** is how a person chooses to outwardly express their gender.

**Gender fluid** is someone whose gender is not fixed; their gender may change slowly or quickly over time and can switch between different gender identities and expressions. Each gender fluid person's experience of their gender is unique to them.

**Gender identity** is a term often used in this policy which refers to a person's innate sense of their own gender. This can be the same or different to the sex they were assigned at birth.

**Transition** refers to the point at which a person changes their gender expression to align it with their gender identity rather than their assigned sex. This may involve social changes of dress, names, pronouns, and titles. It may or may not be supported by medical and legal interventions. Some individuals will only take small steps, but others may undertake a series of permanent social and medical changes.

**Affirmed gender** is the gender by which one wishes to be known. This term should replace terms like new gender or chosen gender, which imply that an individual chooses their gender.

# Trans and Non-Binary Policy Statement and Procedural Guidance

***For further information contact:***

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