

YOUTH UNITY CIC

**EQUALITY AND DIVERSITY
POLICY**

Table of Contents

1.1	Purpose	4
1.2	Related Policies and Procedures	4
1.3	Introduction.....	4
1.4	Appendices	4
2	Part One – Policy Statement	5
2.1	Aims and Principles	5
2.2	What do we mean by Equality?	5
2.3	What do we mean by Diversity?.....	6
2.3.1	A Whole Organisation Approach.....	6
2.4	Employment	7
2.4.1	Youth Unity CIC Volunteers	9
2.5	Governance.....	10
2.6	Fundraising, Marketing and Communicating.....	10
2.7	Access to and Receipt of Services.....	10
3	Part Two – Procedural Guidance	12
3.1	Recruitment and Selection	12
3.1.1	Advertisement of posts.....	12
3.1.2	Wording of advertisements	12
3.1.3	Data collection and monitoring of applicants and recruits.....	12
3.1.4	Short listing	13
3.1.5	Selection	13
3.1.6	Interviews	13
3.1.7	Other Aspects of Employment.....	13
3.2	Access to and Receipt of Services.....	14
4	Appendix One - Key Legislation	15
5	Appendix Two - Equality Impact Assessments	17
5.1	Initial screening.....	17
5.2	When is the best time to make an assessment?	17
5.3	Undertaking the assessment	18

5.4	Information gathering.....	18
5.5	Action planning.....	19
5.6	What to include in the action plan?.....	19
5.7	Purpose and Need.....	21
5.8	Definitions.....	21
6	Part One – Policy Statement.....	23
6.1	Principles of Inclusion.....	23
6.2	Key Legislation.....	24
7	Service Users.....	25
7.1	Who we offer services to.....	25
7.2	Access to and receipt of services for trans people.....	26
7.3	Initial Referral.....	26
7.4	Gender Recognition Certificates.....	27
7.5	Pronouns.....	27
7.6	Being uncertain of a service user’s gender identity.....	27
7.7	Data Collection and Records.....	28
7.8	Equalities Monitoring.....	28
7.9	Other Service Users.....	28
7.10	Should we talk to other women that use the service to let them know that a transgender woman will be joining us?.....	28
7.11	Will being inclusive of transgender women make our refuge less safe?.....	29
7.12	Supporting a service user planning to transition to their male identity.....	29
7.13	Employment.....	30
7.14	Employing Transgender Staff.....	30
7.15	Recruitment.....	30
7.16	Genuine Occupational Qualification Posts.....	31
7.17	Records and Data.....	31
7.18	Transitioning Staff.....	32
7.19	Female to Male Transition.....	34
7.20	References.....	34
7.21	Discrimination and Harassment.....	35
7.22	Medical Leave.....	36

7.23	Disclosure & Barring Service.....	36
7.24	Staff Training.....	38
7.25	Dealing with Complaints	38
7.26	Is it ever legal to treat a Transgender person differently?	39

1.1 Purpose

To set out the approach of Youth Unity CIC in relation to ensuring equality of opportunity for staff and service users in terms of employment and access to services and to provide guidance on anti-discriminatory practice. This policy sits alongside the Equality Strategy and Data documents.

1.2 Related Policies and Procedures

This policy and the values it defines affect all of the policies and procedures at Youth Unity CIC the following policies and procedures have particular relevance.

- Equality Strategy
- Recruitment and Selection policy
- Harassment and Bullying
- Grievance
- Leave

1.3 Introduction

This document contains a policy statement (Part One) and procedural guidance (Part Two). The functions of each are set out briefly below.

Part One – Policy Statement The policy statement sets out the broad framework of principles within which the particular area of work will be carried out. It sets out the organisation’s broad style and approach to the issue, including any aims and guiding principles.

Part Two – Procedural Guidance The procedural guidance sets out the details that staff will require to carry out their duties in this particular area of work. It also sets out the specific tasks involved in undertaking this area of work and identifies who is responsible for carrying them out.

1.4 Appendices

Appendix One - Equal Opportunities - The Legal Framework

Appendix Two - Equal Opportunities and Anti Discriminatory Practice – Equality Impact Assessment

Appendix Three – Transgender Equality and Inclusion Policy and Procedure

2 Part One – Policy Statement

2.1 Aims and Principles

Youth Unity CIC aspires to a world free from abusive relationships for everyone. We are committed to ensuring that everyone affected by domestic abuse, irrespective of age, disability, ethnicity or race, religion or sexuality can access the support they need appropriately and fairly.

We have both a legal and moral duty to demonstrate fairness and equality to our service users and our employees. We want to ensure that we provide a range of services and facilities that meet the needs of people and that, as an employer, we ensure fair recruitment and provide a work environment that is free from discrimination and harassment.

To create a service that delivers both equality of access and equality of outcome we must tailor services to cater to specific needs, being active rather than passive in pursuit of equality. A commitment to Equality is central to the way that we operate.

2.2 What do we mean by Equality?

Youth Unity CIC believes in extending our vision of equality beyond the absence of discrimination to include active promotion of human rights.

Human rights are the basic rights and freedoms that should be available to everyone. They are based on core principles such as dignity, fairness, equality, respect and autonomy. These values are relevant to day-to-day life and protect people's freedom to control their own lives, their ability to effectively take part in decisions and get fair and equal services. Working towards a vision where everyone is treated with dignity and respect, and creating an environment where individuals have the chance to succeed, take part in society and be happy is central to our commitment to equality.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it has set out nine protected characteristics – age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, sex, religion and belief, and sexual orientation. The Equality Act is clear that achieving equality does not mean treating all groups the same, but treating specific groups in specific ways to create equality of opportunity and outcome.

2.3 What do we mean by Diversity?

Thinking about diversity as well as equality helps us to take a broader view of disadvantage to include groups not specifically named in equality law into our policies and work.

When talking about diversity in the context of equality we mean recognising, valuing and taking account of people's differences. This could be people's backgrounds, knowledge, skills, needs or experiences. It is also about encouraging and using those differences to create a cohesive community and effective workforce.

2.3.1 A Whole Organisation Approach

Youth Unity CIC values equality and diversity and is committed to promoting equal access to our services and consulting with others to ensure our working methods reflect the needs of communities.

We know that significant business advantages flow from being in tune with the diverse needs of our service users, employees, suppliers and communities. In order to monitor how well we do, we review our business performance annually including how successful we have been in implementing our equality and diversity standards and work.

We seek to maximise the value that this diversity brings to our work by developing individual potential so that our mission can be better realised.

1. Youth Unity CIC is committed to striving for equality in the provision of its services and in the employment of the staff, volunteers and management committee members who provide these services and uphold these values.

2. Youth Unity CIC recognises that certain groups in society continue to be discriminated against. Our practices, however, will seek to ensure that our service users will not be discriminated against under any circumstances, we acknowledge the legal protection afforded to the following protected characteristics:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and Civil Partnerships
 - Pregnancy and Maternity
 - Race
 - Sex
 - Religion and Belief
 - Sexual Orientation
3. Youth Unity CIC commitment to anti-discriminatory practice relates to:
 - Direct discrimination - where someone is treated less favourably than another on any of the grounds set out above.
 - Indirect discrimination - when a requirement or condition is applied which has a detrimental effect on a particular group as set out above. This applies even if there was not a deliberate intention to discriminate.
4. Youth Unity CIC will adhere to the requirements held within, and the guidance on, the Equality Act 2010. The Act brought together nine pieces of primary legislation and over 100 pieces of secondary legislation to harmonise equality law. Guidance can be found Equality and Human Rights Commission.

2.4 Employment

As an employer, we are committed to developing a diverse workforce, we believe this best serves the needs of our service users. We acknowledge that our work and organisation benefits from a workforce that brings a range of life experiences, cultural and community backgrounds and professional lives. Youth Unity CIC values these differences and is committed to developing a workplace, which respects individuals and values this diversity.

We will aim to deal swiftly and appropriately with discrimination, harassment and bullying in the workplace. At the same time we will enable employees to develop skills and knowledge to reach their own potential and to be effective within the roles they perform. We are committed to a fair employment and equal pay policy.

We are committed to supporting the management of employee performance in relation to equality and diversity issues. Our development programme will take this into account and encourage learning and personal development in these areas.

We aim to work with other organisations to ensure that best practice in relation to diversity and anti-discriminatory practice is entrenched in our organisation and is developed on an ongoing basis.

1. Youth Unity CIC approach to equality of opportunity with regard to employment is as follows:

Youth Unity CIC is committed to undertaking recruitment and selection in a way that upholds equality of opportunity. Therefore, the recruitment process has been designed and will be carried out in a way which will not discriminate against applicants on the grounds of their:

- Age
- Disability
- Gender reassignment
- Marriage or Civil Partnerships
- Pregnancy or Maternity
- Race
- Sex
- Religion and Belief
- Sexual Orientation

However, some roles may be exempt under the Equality Act 2010 pursuant to Schedule 9, Part 1. As such on occasion we may only be able to consider applications from women.

- Youth Unity CIC will strive to achieve representation of all sections of the community at all levels within the organisation and within all types of work carried out

- Applicants for paid staff posts, those seeking to volunteer and those seeking a place on the management committee will receive equal treatment regardless of their age, disability, gender identity, marriage or civil partnership, pregnancy or maternity, race, sex, religion or belief, or their sexual orientation.
- Conditions or requirements of a job that cannot be shown to be justifiable will not disadvantage applicants.
- Selection criteria and procedures will be reviewed regularly to ensure that individuals are selected on the basis of their relevant merits and abilities.
- All employees will receive equal treatment regardless of their age, disability, gender identity, marriage or civil partnership, pregnancy or maternity, race, sex, religion or belief, or their sexual orientation. This applies to all other aspects of employment including, induction, probationary period, training and development, support and supervision, appraisal, promotion, remuneration, redundancy, re-deployment, disciplinary action and dismissal.

2.4.1 Youth Unity CIC Volunteers

We value the contribution of our volunteers. As with our staff, we want our service users and the public to relate to the individuals who bring their diverse life experience, skills and knowledge to our work.

We want our volunteers to value this diversity as much as we do. In our support of them we will endeavour to communicate our values and the standards we expect in relation to our equality and diversity work, as well as providing the support needed to utilise this rich resource. Recruitment and selection of volunteers will follow the same principles as those set out in relation to employment, as will their support, induction and training.

2.5 Governance

The role of trustees is to establish a vision and strategic direction for Youth Unity CIC, including developing guiding principles for all that we do. The commitment of trustees to equality and diversity is therefore key and is incorporated into the Code of Conduct within which their work is undertaken.

Youth Unity CIC has reviewed its governance arrangements, including the ways in which trustees are recruited. Our recruitment of trustees is open and robust to ensure that we are able to attract individuals from varying professions and backgrounds. This is so that trustees both reflect and complement Youth Unity CIC rich and diverse workforce and service user base.

2.6 Fundraising, Marketing and Communicating

Youth Unity CIC greatly values its supporters and those who give us public support. We seek to develop mutual relationships within diverse communities. We want others to know about our work and to be informed of issues and services relevant to our mission. Our fundraising, marketing and communications work involves a range of partners and activities that will support and promote the interests of the people with whom we work.

It is important that our marketing and communication with people is accessible. The information we are trying to share with people is important and we want people to be able to access it in a way that is clear and comfortable.

To do this we must:

- use gender neutral, inclusive language, ensuring materials do not assume heterosexuality
- use a variety of mediums and locations to reach a wide range of people
- make the accessibility of our services and the locations we use clear by using appropriate symbols such as the rainbow flag, transgender flag or disabled access symbol

2.7 Access to and Receipt of Services

Youth Unity CIC is proud to provide specialist, 360 degree services for those who are at risk of, have experienced or are experiencing domestic abuse. We know that the best way to help is by supporting families to overcome their obstacles is by assessing their need in a person centred and individualised way. We aim to ensure that the rights and best interests of our service users are foremost in all of our work.

Youth Unity CIC approach to equality of opportunity with regard to access to and receipt of services is as follows:

- Youth Unity CIC will take practical steps to ensure that its services are accessible to all who are experiencing or have experienced domestic violence regardless of age, disability, gender reassignment, marriage or civil partnerships, pregnancy or maternity, race, sex, religion or belief, or sexual orientation with the exception of our refuge which is only available to self-defining women and their children.
- People seeking to access Youth Unity CIC services will be treated equally regardless of their age, disability, gender reassignment, marriage or civil partnerships, pregnancy or maternity, race, sex, religion or belief, or their sexual orientation.
- Neither will people seeking to access Youth Unity CIC services be disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- People receiving Youth Unity CIC services will be treated equally regardless of their age, disability, gender reassignment, marriage or civil partnerships, pregnancy or maternity, race, sex, religion or belief, or their sexual orientation. This applies to all aspects of receiving services, including application, referral, acceptance into refuge or outreach support, needs assessment, individual support planning, risk assessment, consultation, involvement, move-on and after-care.
- All users of our services will be assessed in a needs led and person centred way. Youth Unity CIC will take into account individuality of need and will work with everyone as an individual.

3 Part Two – Procedural Guidance

3.1 Recruitment and Selection

- The Recruitment and selection policy and procedure sets out the process in detail. The main elements in terms of anti-discriminatory practice are set out below.

3.1.1 Advertisement of posts

- All posts will be advertised both internally and externally in the local (and where appropriate national and/or specialist) press.
- Regular liaison will be undertaken with local race equality and disability organisations to ensure that people from ethnic minority groups and disabled groups are encouraged to apply.

3.1.2 Wording of advertisements

- Job descriptions and supporting information will not contain any unnecessary stereotypes or expectations about the future post holder.
- In line with our responsibility under the Equality Act 2010, Youth Unity CIC will make any 'reasonable' adjustment to overcome any factor which puts a disabled employee or job applicant at a disadvantage.
- Some jobs at Youth Unity CIC may only be suitable for a woman. For instance a job in a single-sex establishment, such as a refuge, where gender can be an important factor in providing support. This constitutes a Genuine Occupational Qualification and allows gender to become a relevant qualification for application and appointment (Employment (Sex Discrimination) Act 2000). Where this is the case it will be made clear in the job description.

3.1.3 Data collection and monitoring of applicants and recruits

- Recruitment packs will include an equality monitoring form that asks for details on the nine protected characteristics outlined in the Equality Act. This will be separated from the main application form before it is sent to those responsible for short listing.

- The details on the monitoring sheet will be collected and analysed against the profile of people actually obtaining jobs. Where people from underrepresented groups do not appear to be applying for, or gaining particular posts, action to redress the imbalance will be taken by encouraging applications from those groups.

3.1.4 Short listing

- Short listing will always be carried out by at least two members of staff.

3.1.5 Selection

- Selection will be on the basis of job experience, qualifications and supporting details provided by the applicant on her reasons for applying for the job.

3.1.6 Interviews

- Interviews will always be conducted by at least two members of staff/management committee members who have been trained in interviewing techniques, and in the application of the equal opportunities policy.
- Where appropriate, interviews will be backed up by practical tests of ability - e.g. a typing test.
- The decision on whom to appoint must be agreed by a majority of the interviewers and be in accordance with the Recruitment and selection policy and procedure.

3.1.7 Other Aspects of Employment

1. The following policies and procedures cover other aspects of employment and staff are expected to follow these conscientiously:
 - Disciplinary
 - Grievance
 - Harassment and Bullying
 - Leave

- Staff Development
 - The People Strategy
2. Anyone who feels they have been discriminated against in any of the above areas should discuss this with their line manager. If this does not resolve the concern, the staff member may raise a formal grievance as per the Grievance policy and procedure.

3.2 Access to and Receipt of Services

1. The R.A.I.S.E policy covers all aspects of accessing and receiving services and staff are expected to follow this approach conscientiously to ensure that people seeking and using Youth Unity CIC services are not discriminated against. Individual services will have their own practitioner toolkits and localised diversity action plans which will also inform their approach.
2. Youth Unity CIC will take action against any member of staff, volunteer, management committee member, service user or visitor who commits any form of discrimination based on age, disability, gender reassignment, marriage or civil partnerships, pregnancy or maternity, race, sex, religion or belief, or their sexual orientation.
3. Youth Unity CIC will conduct full Equality Impact Assessments in relation to service provision on a regular basis or as required. See **Appendix Two** for details of making these assessments.
4. Youth Unity CIC will conduct a full Equality Impact Assessment on all new services.
5. Youth Unity CIC will analyse equality data on an annual basis as part of its strategic and operational planning. Please refer to the Equality Strategy and Action Plan.

Appendix One - Key Legislation

Youth Unity CIC will adhere to the requirements and guidance contained in the following pieces of legislation (and any subsequent amendments to them) in all of our work:

- Equality Act 2010
- European Convention on Human Rights
- Human Rights Act 1998
- Public Sector Equality Duty
- Data Protection Acts

The Equality Act (2010) consolidated and extended previous legislation creating nine protected characteristics. It provides a legal framework that protects the rights of individuals from unfair treatment and pushes forward equality of opportunity for all.

The additional protections extend recognition of different types of discrimination which people with protected characteristics might experience. These are explained below.

Direct discrimination - when someone is treated less favourably than another on the grounds of a protected characteristic, including the following forms of direct discrimination:

Discrimination by association - when a person who does not have the protected characteristic, is treated unfairly because they are linked, or associated with a person who has a protected characteristic.

Discrimination by perception - when a person is discriminated against because they are thought to have a protected characteristic, even if they do not. It is also unlawful to discriminate against someone by treating them as if they did have a protected characteristic when you know they do not.

Indirect discrimination - would occur when a requirement or condition is applied which has a detrimental effect on a group with a protected characteristic. This applies even if there was no deliberate intention to discriminate.

When introducing a new rule or policy, it is also necessary to consider whether there is any other way to meet your objectives that is less likely to disadvantage people with protected characteristics. Wanting to save money alone is unlikely to be sufficient justification under the Act.

Harassment - when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of:

- Violating the dignity of another person, or
- Creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation - occurs when someone faces discrimination because they have made an allegation of unlawful discrimination or because of assisting or supporting a complainant.

The Equality Duty

The Equality Duty, created in the Equality Act, applies to all bodies carrying out public functions, and covers the nine protected characteristics defined in the Act.

The duty places an obligation, to positively promote equality, not merely to avoid discrimination, on those carrying out public services.

Those subject to the equality duty must, in the exercise of their functions, 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.

The duty requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Appendix Two - Equality Impact Assessments

An equality impact assessment (EqIA) is a tool for identifying the potential impact of Youth Unity CIC policies, services and functions on its residents, clients and staff. It can help staff provide and deliver excellent services by making sure that these reflect the needs of the community.

By carrying out EqIAs, Youth Unity CIC may also ensure that the services that it provides fulfil the requirements of anti-discrimination and equalities legislation. EqIAs offer an opportunity for the organization to think carefully about the impact of their work on local people and other members of staff. They can then take action that will promote equality for all.

3.3 Initial screening

This stage will determine whether or not it is necessary to carry out a full equality impact assessment (EqIA) for this area of activity.

You may find it useful to hold an 'introductory session' with appropriate staff so that everyone feels at a similar level of knowledge at the start of the process.

The main questions are:

1. What are you looking to achieve in this activity?
2. Who in the main will benefit?
3. Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?
4. Does the activity make a positive contribution to equalities?

Proportionality is an important element of the screening process. You will need to decide if any negative or positive impact on equality is likely to be significant, and for which groups of people.

3.4 When is the best time to make an assessment?

An equality impact assessment (EqIA) must be completed before the formal implementation of a policy, strategy, procedure or function (activity). Before an

assessment can be made, ensure that you are clear about what the activity is looking to achieve. It is important to identify and understand who the policy, strategy, procedure or function is intended to benefit. This is especially important if particular groups are being targeted. It is necessary to consider whether there are other beneficiaries in addition to those considered to be the main ones, who should also be taken into account.

3.5 Undertaking the assessment

A well-executed EqIA is one that has made use of different perspectives, experiences and challenges from inside and outside of the organization. In practice, at least one member of the team should be the manager responsible for the delivery of the service.

It is also helpful to involve stakeholders who can offer an independent perspective, either as a service users or people who can relate to the service in some way. There will be times when involving someone for their technical expertise or someone with specialist knowledge is appropriate. A good practical minimum size for a team is three.

3.6 Information gathering

Lack of data is often seen as a barrier to carrying out an equality impact assessment (EqIA), so be creative. Use qualitative data, focus groups or informal consultation to gather intelligence about local communities. Sources of information will vary depending on the nature of the service, and may include any or all of the following:

- any previous equality impact assessment
- service monitoring reports
- previous research and customer satisfaction surveys
- user feedback and satisfaction reports
- workforce monitoring
- staff surveys, opinions and information from trade unions
- contract monitoring reports
- complaints and comments
- press coverage
- outcome of consultation exercises and feedback from focus groups

- feedback from individuals or organisations representing the interests of target groups or similar
- the knowledge, technical advice, expertise and experience of the people assisting in the completion of the EqIA
- national and local statistics
- national and international evidence where appropriate
- information from formal audits
- census data
- academic, qualitative and quantitative research
- demographics

Remember, it is a legal requirement that consultation takes place with appropriate stakeholders as part of the EqIA process. This is in order to gain additional perspectives on the work that is being undertaken and the services delivered.

3.7 Action planning

The real value of completing an EqIA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment. A good EqIA should result in 'allocative efficiency', that is, in resources and services being targeted where they should be, and where they most efficiently support our vision, mission and values.

- Ensure that the action plan is more than just a list of proposals and good intentions.
- Attribute actions to key people who are ultimately responsible for its completion.
- Set ambitious yet achievable timescales and progress milestones.
- Be clear about resource implications.
- Make sure the links are made to local service and team plans other appropriate documents

3.8 What to include in the action plan?

The action plan should include actions that will remove or alleviate the potential for the service to unlawfully discriminate or impact less favourably on one or more

communities. It should only include the main actions or activities likely to have the greatest impact.

The action plan should include references to any additional monitoring or research that was identified in the information gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment. This will be needed in subsequent reviews or in order to complete actions.

It is unlikely that an action plan will have less than six to eight activities. But an action plan that runs to six pages or more is unlikely to be providing sufficient focus for most activities. Actions that are identified should be detailed for the first year.

Appendix Three – Transgender Equality and Inclusion Policy and Procedure

3.9 Purpose and Need

Purpose: To set out the approach of Youth Unity CIC Domestic Abuse Service in relation to ensuring equality for, and inclusion of, transgender staff and service users in terms of employment and service delivery; and to provide guidance on inclusive and anti-discriminatory practice with regards to transgender staff and service users.

This policy will ensure knowledge of our legal responsibilities and set out how we will meet and further these in order to meet our commitment to equality. Working towards a vision where everyone is treated with dignity and respect, and creating an environment where individuals are valued and validated. This is central to Youth Unity CIC ' vision, mission and values.

Need: It is clear from what is known about the prevalence of domestic abuse against trans-people, types of abuse experienced by trans people and additional barriers to leaving abusive relationships that there is an urgent need for support services for this vulnerable group.

Youth Unity CIC believes in extending our vision of equality beyond the absence of discrimination to include active promotion of human rights. As such, it is not sufficient to *not exclude* a particularly disadvantaged and underrepresented group of people; rather, it is necessary to take positive, proactive steps to *include* such a group. This is particularly relevant when evidence suggests that a group disproportionately experiences domestic abuse but is underrepresented in our service user and employment demographics, as is the case with trans people.

3.10 Definitions

Sex: This term refers to biological and anatomical characteristics, which can be defined as female, male or intersex.

Gender: The socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for one's sex.

Gender identity: A person's internal sense of where they exist in relation to being boys/men or girls/women.

Gender expression: A person's external gender-related clothing and behaviour (including interests and mannerisms).

Sexual orientation: Is a term used to describe a person based on who they are emotionally and/or physically attracted to. For example, transsexual women can be described as straight if they are attracted to men, lesbian if they are attracted to women or bisexual if they are attracted to both men and women.

Transgender (trans): This is an umbrella term used to describe a whole range of diversity of gender identity and expression, including transsexual, intersex and cross-dresser.

Transsexual: This is a medical term used to describe people whose sex and gender do not match up. This means someone whose biological sex is female, but whose gender is male or someone whose biological sex is male, but whose gender is female. Transsexual people often feel like they were born in the wrong body. This can be extremely distressing. Many transsexual people have hormone treatment and surgery to align their sex with their gender. The term transsexualism is also known as gender identity disorder and gender dysphoria.

Intersex: This is a term used to describe people who are born with chromosomal anomalies or ambiguous genitalia. Intersex people are usually assigned a male or female gender as babies by medical staff. Sometimes this works and the person's gender identity matches their assigned gender, but sometimes intersex people can develop gender identity issues because they have been assigned the wrong gender. Some intersex people do not identify as male or female, but as intersex.

Gender Recognition Certificate: By law you remain your birth gender unless you apply for a Gender Recognition Certificate to change it legally. Once a GRC is issued, the person's legal gender becomes for all purposes their acquired gender – including for marriage and civil partnership purposes. People with a GRC can apply for a corrected birth certificate if their birth was registered in the UK. The GRC provides enhanced privacy levels for trans-people who are applying for or have obtained a GRC.

Genuine Occupational Qualification: A Genuine Occupational Qualification (GOQ) exists when the specific nature of a job, or duties attached to it, require it to be undertaken by members of one sex.

4 Part One – Policy Statement

4.1 Principles of Inclusion

1. Youth Unity CIC is committed to anti-discrimination practices and striving for equality in relation to trans people (including staff, volunteers, Trustees and service users) and will ensure that their rights are respected and protected.
2. The Transgender Equality and Inclusion Policy will be applied to all Youth Unity CIC policies and procedures that cover aspects of accessing and receiving services. Staff members, volunteers, and Trustees are expected to follow this policy conscientiously to ensure that trans people seeking and using Youth Unity CIC services are not discriminated against.
3. Youth Unity CIC will review and, where necessary, adapt our policies and procedures to ensure that they fully include trans people, both in terms of employment and service delivery, and that older policies do not inadvertently discriminate against trans people. Where Youth Unity CIC policies and procedures refer to 'women', 'men' or 'people', this should be read to include trans people, regardless of the gender assigned at birth.
4. Youth Unity CIC recognises that trans people continue to be discriminated against in society. Our practices will seek to ensure that trans people – whether employed, volunteering or acting as Trustees in our organisation, or using our services – will not be discriminated against on the basis of their gender identity, transgender status, and/or gender reassignment.
5. Youth Unity CIC will not tolerate any transphobic behaviour or speech from service users or members of the organisation, including behaviour or speech that fosters or creates a hostile environment for trans people or anyone associated with a trans person.
6. Youth Unity CIC will treat transsexual people according to the gender role in which they present themselves. Youth Unity CIC recognises trans women as women and trans men as men and will not discriminate against trans people in employment or service provision.
7. In line with The Equality Act Youth Unity CIC single-sex services or separate services for women and men will treat trans people according to the gender role in which they present.

8. We also recognise that, as a group, trans people experience a disproportionate amount of violence and abuse. Whilst Youth Unity CIC supports the gender-based analysis of violence against women, we also recognise domestic abuse against trans people as a form of gender-based violence, and violence against trans women as violence against women.
9. Youth Unity CIC recognises the enforcement of gender norms to be in itself a violent act. Trans people's experiences of violence and abuse are reflective of an attempt (by the perpetrator) to reinforce, and sometimes 'correct', gender roles based on inequality, power and coercion.
10. Youth Unity CIC recognises sexism and transphobia as intrinsically linked ways of regulating 'acceptable' gender expressions. We believe that domestic abuse can only be eradicated when we challenge gender norms – not when we reinforce them through the exclusion of people with a non-conforming gender identity or gender expression.

4.2 Key Legislation

Youth Unity CIC will adhere to the requirements and guidance contained in the following pieces of legislation (and any subsequent amendments to them) in all of our work:

- European Union Gender Equality Directives
- Equality Act 2010
- Gender Recognition Act 2004
- European Convention on Human Rights
- Human Rights Act 1998

The Equality Act (2010) extended previous legislation to protect someone against discrimination who is undergoing, intends to undergo or has undergone gender reassignment. These protections include all people who have identified that they are planning on permanently changing their sex, not just people who have a Gender Recognition Certificate, or have undergone medical procedures. This is known as the 'gender reassignment protected characteristic', and is one of the nine new protected characteristics identified in the Act.

5 Procedural Guidance

The procedural guidance sets out the details that staff will require to carry out their duties in this particular area of work. This sets out both our legal responsibilities and our values as an organisation.

5.1 Service Users

Youth Unity CIC is committed to promoting equality and diversity within the services that we deliver directly to survivors of domestic abuse. This includes making our services accessible to all trans people, who we recognise suffer disproportionately from domestic abuse, isolation and discrimination due to their gender identity.

Youth Unity CIC will make its services available to all trans people, regardless of whether they are intending to undergo or have undergone permanent gender reassignment and whether or not they have full legal recognition.

5.2 Who we offer services to

Youth Unity CIC will treat transsexual people according to the gender role in which they present themselves. Youth Unity CIC recognises trans women as women and trans men as men and will provide services in accordance with this gender.

Youth Unity CIC believes that it is appropriate to have trans women in a women-only space. The idea that this is unsuitable is rooted in the belief that trans women are men, something that Youth Unity CIC believes to be transphobic. Nel Whiting from Scottish Women's Aid explains this misconception:

"The misconception that a trans woman is not a woman because of her biological sex goes against any argument we have about gender. Gender is socially constructed, it is not inevitable and does not go hand in hand with your biological sex. Transitioning is not something which happens overnight. A trans person will likely be aware of their gender identity from a young age thus feelings of not fitting in or being trapped in the wrong body may have been present for a number of years. This further discredits any argument around a trans woman being socialised as a man and the privilege they may have experienced while living their life as a man. A trans woman previous to transitioning will likely not have enjoyed any of the privileges of living as a man, being fully aware of their gender identity opposing perhaps their perceived gender and biological sex."

Any woman who 'intends to undergo, is undergoing or has undergone gender reassignment' is protected by the Equality Act and is entitled to service provision. It would be illegal to ban trans women from accessing our services.

5.3 Access to and receipt of services for trans people

Youth Unity CIC recognises that in many cases it will not be evident that a service user or potential service user is trans, and the service user is under no obligation to disclose their trans status or gender identity. Non-disclosure, or subsequent disclosure, are not grounds to withdraw the service.

Youth Unity CIC aims to create a safe environment for trans people to disclose, and to generate open discussion about gender to promote greater understanding of trans issues and combat discrimination against trans service users.

Youth Unity CIC recognises that being trans is not in any way related to an individual's eligibility or need for services, and indeed, that trans people are proportionately more likely to require our specialist services due to the disproportionate amount of domestic abuse that they experience. Trans people who meet the criteria for services will be provided with the same range of services available to non-trans people.

5.4 Initial Referral

Initial risk assessment to decide whether the individual can be admitted into the service will be carried out without reference to the individual's gender or trans status. A question will be included on the full risk assessment (once an individual has been admitted) to enquire about trans status, which will read: 'Is the gender that you identify with different from the gender that you were assigned at birth?'

Disclosure of a service user's trans status will be on a 'need-to-know' basis and used solely to assist with risk assessment and safety planning for the trans service user and/or other service users. Youth Unity CIC works from a consent-based approach regarding disclosure of information and the individual's trans status will only be disclosed if explicit consent is granted by the trans person. Data protection will be dealt with in more detail later in the policy.

Where a trans woman requires women-only refuge accommodation or a trans man requires male-only accommodation, every effort will be made to accommodate them in accordance with their wishes.

5.5 Gender Recognition Certificates

Youth Unity CIC will not request to see or have information about a person's Gender Recognition Certificate. It is illegal to require a person to show a GRC before offering a service. The certificate has no function in its own right, and exists only as a permission to the General Register Offices of England and Wales, and of Scotland, to correct an individual's birth certificate. Asking for evidence of someone's transgender status implies that the service user will be treated differently depending on this, this implication is unwelcoming and goes against the principle held by Youth Unity CIC .

Youth Unity CIC believes that it is unhelpful to think about where someone is in their 'transition', but rather to provide a service based on the gender that someone identifies as. It is worth reaffirming the difference and disconnect between gender identity and biological sex here.

5.6 Pronouns

A person should be referred to using the pronouns appropriate for the gender in which they present themselves. This is true regardless of the stage of their transition, whether or not they have taken hormones or had surgery.

If you accidentally use the wrong pronoun just apologise and continue the conversation. A prolonged explanation or justification may make someone feel more uncomfortable. Making a mistake happens but if you purposely continue to use the wrong pronouns or refuse to recognize someone as the gender they identify with this would be seen as discriminatory.

5.7 Being uncertain of a service user's gender identity

The right to present one's gender in an ambiguous manner is usually significantly more limited for trans-women, who may feel compelled to present only with a very typically 'feminine' appearance. Societal demands to demonstrate commitment to their acquired gender by presenting unambiguously 'feminine' at all times mean it is less likely than staff may think that a trans-woman's gender will be not explicit.

Many transgender women will mark their transition by beginning to use a typically female name. This can be one way to recognise someone's gender.

Where the gender of the potential service user or employee is unclear, they should be asked, respectfully, in private, what gender they identify as and what pronouns they prefer.

5.8 Data Collection and Records

Transgender people don't need to show a GRC (Gender Recognition Certificate) in order to change their name and gender on day-to-day documents and records - including for refuge and support services.

This means that as soon as a service user, staff member or volunteer advises you of their gender, you must refer to them, in person and in records, using the correct gender.

5.9 Equalities Monitoring

Youth Unity CIC will ensure that standard referral systems make specific reference to trans issues and that services are monitored in terms of provision to trans people and their satisfaction with the service provided.

When collecting equal opportunities information, the question 'Is the gender that you identify with different from the gender that you were assigned at birth?' will be asked to monitor whether or not a proportionate amount of applications from trans people are being received. Where trans people do not appear to be accessing a service, action should be taken to reach them.

5.10 Other Service Users

Other service users may say that they are uncomfortable sharing a service with a trans person, this is not a legitimate reason for not offering Youth Unity CIC services. Youth Unity CIC must make any decision about provision based on good practice rather than prejudice.

In a situation where other service user's felt uncomfortable, we would work to educate, much in the same way that we would if we received comments regarding other service user's ethnicity, religious affiliation or sexual orientation.

Difficulties for newly arriving service users could be prevented through some proactive measures. For example, ensuring that intake procedure at the refuge includes informing new residents that "We welcome women of different races, different religions, women with mental health issues, lesbian and bisexual women, and transgender women." This discussion would be held irrespective of whether any trans people were in the service at that point.

5.11 Should we talk to other women that use the service to let them know that a transgender woman will be joining us?

This information would only be shared following consultation with the trans service user regarding their own safety and comfort, and would not be legal to do so without explicit consent from the service user. Explicit written consent from the service user should be obtained, and detail the information they would like shared and with whom this should be shared.

The Gender Recognition Act 2004 defines any information relating to a transsexual person's gender recognition application as 'protected information'. It is a **criminal offence**, subject to a level 5 punishment which currently is up to £5,000 and/or up to six months in prison, for anyone acquiring this protected information in an official capacity to disclose it to a third party without the transsexual person's consent.

5.12 Will being inclusive of transgender women make our refuge less safe?

The idea that men are likely to put on women's clothing to gain admittance to a refuge is common but not rooted in fact. It is a concern doesn't match the experience of refuges that have adopted policies that accept transgender women.

If this unlikely situation were to occur, Youth Unity CIC believes that staff would be able to recognise that the person is not sincerely identifying as a woman who has experienced gender based violence: this would be integral to the broader risk management of perpetrator access to safe spaces.

5.13 Supporting a service user planning to transition to their male identity

Just as with any other service user who was telling you something personal to them, be supportive. The individual has probably been thinking about this for a long time and it is likely that he is disclosing this information to you because he feels safe and trusts you and Youth Unity CIC .

Transition is a process and not something that happens overnight, so there's no need to make any decisions about the service provision straight away. However, when it is appropriate, talk through the options that he has and what he would like to happen.

Someone who identifies as a trans man may no longer feel comfortable accessing a service that is for women, so should be informed about other options. It is important, however, to be aware of the limited support and particularly refuge accommodation available for men. Many trans men, especially men who are in the early stages of their transition may feel that a men's service or accommodation would not feel safe to them. It is therefore important to listen to the concerns and needs of the service user.

If the refuge is not felt to be appropriate it may be possible for Youth Unity CIC to provide services in a different way. This could be done by offering individual, rather than group support or providing support in a different location.

5.14 Employment

This section of the guidance focuses upon the recruitment and employment of transgender staff. In most cases, the gender of an employee is of no relevance to their suitability to do the job.

Youth Unity CIC will treat transgender people according to the gender role in which they present themselves. Youth Unity CIC recognises trans women as women and trans men as men and will not discriminate against trans people in employment.

5.15 Employing Transgender Staff

Youth Unity CIC recognises that a person's trans status is not in any way related to eligibility for volunteering, paid employment, or membership on the Board of Trustees, and applicants for these posts will not be discriminated against on the basis of their trans status, and will be given the same consideration as all other candidates.

A person should not be discriminated against because they have, are currently, or intend to undergo gender reassignment and should be treated in accordance with the gender that they identify with.

As with service-users it is illegal to ask a trans woman to show a gender recognition certificate and they are under no obligation to tell an employer that they have a transgender identity or history.

All employees of Youth Unity CIC will receive equal treatment regardless of their trans status. This applies to all aspects of employment including, induction, probationary period, training and development, support and supervision, appraisal, promotion, remuneration, redundancy, re-deployment, disciplinary action, and dismissal.

Youth Unity CIC fully acknowledges that a trans person may apply for a post, be offered and take up employment within the organisation without their trans status being noted or disclosed.

5.16 Recruitment

It should not be expected that applicants and interviewees for employment would wish to disclose their transgender status or gender reassignment history. It is not a question that should be asked at interview, it is not a relevant criterion in selection.

There is no obligation for a person to disclose their transgender status or gender reassignment history as a condition of employment. If Human Resources/Personnel departments or administrators are informed of the individual's transgender status or gender reassignment history, they will not disclose this to the members of staff leading the recruitment, as this is not relevant information to the selection for the post.

Disclosures of this nature to other staff will be dealt with in the same way as any other confidential personal disclosure.

Job descriptions and supporting information will not contain any unnecessary stereotypes of expectations about the future post holder, including any unintended presumptions that the post holder was assigned female/male at birth.

5.17 Genuine Occupational Qualification Posts

Youth Unity CIC recognises trans women as women and trans men as men. As with any other woman who is applying for a Genuine Occupational Qualification (GOQ) post, it is legal to ask them to show that they are legally female (for example by showing a birth certificate). However, this should be asked of all candidates who are being offered a post to avoid discrimination.

Applying a requirement that a GOQ post could not to be held by a transsexual person would only be objectively justified in exceptional circumstances and could only be applied on a case-by-case basis and not as a consistent rule. This exception has not been tested in the courts and the guidance is ambiguous, any decision to advertise a post as not suitable for a transgender woman would have to be taken with the utmost care – it may be found to be unlawful, it would likely go against Youth Unity CIC principles.

5.18 Records and Data

Records maintained on the personnel file will not overtly refer to a previous name, and records made prior to name change should be updated if appropriate. Access to these records showing change of name and any other details associated with the individual's transgender status or gender reassignment history, such as records of absence for medical treatment, should be restricted and only accessed on a need to know basis.

Need to know refers to those directly involved in the administration of a process, for example the Human Resources and Pension administrators.

Once a person applies for a Gender Recognition Certificate, they gain additional privacy protections under the Gender Recognition Act 2004. Section 22 of the Act makes it a criminal offence for any person to inappropriately disclose information which they have acquired in an official capacity about an individual's application for a Gender Recognition Certificate, or about the gender history of a successful applicant.

Transgender people may choose voluntarily to disclose at a secondary level, for example, answering an equal opportunities questionnaire, or asking for support from a line manager.

The individual to whom a disclosure is made should observe strict confidentiality; any further disclosure should only being made with the prior consent of the individual.

In line with the Gender Recognition Act 2004, Youth Unity CIC will also take all available measures to ensure that:

- A person's trans status is not unlawfully disclosed to anyone. Unlawful disclosure applies not only to direct word-of-mouth communication but also to uncontrolled access to paper or computer files.
- A trans person may consent to information about their trans status being disclosed if they decide that it is in their interests to do so. Where an employee agrees to their status being disclosed, Youth Unity CIC will obtain explicit written consent, ensuring that the employee agrees in advance with which members of staff they wish to share the information and that said staff members are aware of the privacy provisions & penalties for disclosure set out in the Act and within this policy.

5.19 Transitioning Staff

As soon as an employee advises the employer of their gender, the employer must refer and document details of them as such in their records. This information must be made strictly confidential, and services must show that they have ascertained that the fewest possible relevant staff have access to such records.

Transsexual people don't need to show a GRC (Gender Recognition Certificate) in order to change over the name and gender on their day-to-day documents and records. As it is necessary to live fully in the acquired gender for at least 2 years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow this change in name and gendered title at the start of an individual's gender reassignment process would

unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and would therefore be discriminatory.

Any member of staff who has taken the decision to transition can request a meeting with their line manager and may be accompanied by a trade union representative or colleague if they wish. This meeting will entail a discussion of issues such as employment options during the transition process, taking time off from work for medical appointments or surgical procedures (if applicable), if and how the staff member wishes the process to be communicated to colleagues, employment options during and after their transition and their longer-term employment with Youth Unity CIC .

With the individual's express written consent the line manager should inform the Chief Executive Officer. The line manager should ensure that those informed have read this policy and procedural guidance and seek clarification and support from HR on anything they are unsure about.

The individual undergoing transition has the right to privacy, and will not be expected to share information about their trans or transitioning status with colleagues. Should the employee choose to inform colleagues, the employee has the right to choose how this is done and who is informed. Where appropriate, the employee's line manager may be asked by the employee to hold a team meeting, including everyone in the team along with any other colleague with whom the employee frequently works with and wishes to invite.

Alternatively, the employee may wish to inform relevant colleagues individually. In every instance, it is solely the employee's decision as to how and when other members of staff are informed, and Youth Unity CIC will respect their wishes and privacy during this process.

Where the employee wishes their line manager or a colleague should be present to show support when the disclosure is made. It is important that the employee plays as full a part in the announcement as desired, with managers giving their full support.

At a minimum, the manager should:

- Make it clear that the person transitioning is a valuable employee and has the management's full support in undergoing transition
- Explain Youth Unity CIC ' Transgender Equality & Inclusion Policy
- Clarify that Youth Unity CIC recognises the employee as their chosen gender and that they should be called by their chosen name and referred to with appropriate pronouns

- Answer people's questions and ensure that staff understand that they are bound by the privacy rules set out in the Gender Recognition Act 2004, whereby the status of the individual undergoing transition will not be discussed with any third party without the prior, explicit consent of the employee.

The employee will have the freedom to choose a date at which they expect relevant Youth Unity CIC employment records to be changed. This may be the date after the first meeting, after they start presenting as their chosen gender, after surgery, or at any other time.

Following the employee's request, all records will be changed, including personnel files, sickness files, pay role details, and any other materials held as paper or electronic files and databases, as well as staff lists, organisational charts, business cards, email addresses and signatures, network log-in details and any other relevant information.

5.20 Female to Male Transition

Youth Unity CIC acknowledges that an existing female member of staff may choose to transition to become a man. We will fully support any employee who makes this decision. Youth Unity CIC will work with the employee to balance their needs with the needs of the service users, as required by the Equality Act 2010.

In the event that the transitioning staff member currently held a GOQ post Youth Unity CIC would work collaboratively to agree a timescale for their transition from female to male, recognising that this may include the option of continuing in the GOQ post during the early stages of gender reassignment. The aim should be to support the employee in finding a new non-GOQ job so that they can change jobs smoothly without the financial hardship associated with a period of unemployment.

Legislation does allow action, such as redeployment to a non-GOQ role and for employers to consider dismissal if no other solution is found. There would be at least a two year period between the person beginning gender reassignment and their legal sex changing by virtue of an application for a Gender Recognition Certificate (the point at which they would legally be unable to hold the GOQ post any longer). Therefore, it would be unreasonable to dismiss a transitioning employee without a thorough and genuine attempt to find another solution.

5.21 References

If giving or requesting a reference for someone moving to a new job, the reference should be in the name requested by the employee. It may sometimes be necessary for a transgender person to disclose a previous identity in order for references from past

employers to be obtained. In these cases strict confidentiality and respect for dignity should be applied.

5.22 Discrimination and Harassment

Youth Unity CIC is committed to creating an environment in which everyone is treated equally and with respect. Youth Unity CIC aims to eliminate discrimination against trans people in its structures and employment practices as well as to encourage change in individual behaviour and attitudes and to promote and ensure equality of opportunity and treatment for all staff, as detailed in our Equality & Diversity Policy.

Harassment (which does not have to be targeted at a particular person who is known to be trans, but also includes transphobic language, jokes or actions which create a hostile environment) and bullying are serious disciplinary offences and will be dealt with under the appropriate procedures. This applies to Youth Unity CIC staff, volunteers and other individuals with whom we works, such as colleagues from partner agencies.

Staff, volunteers and service users will avoid using, and staff and volunteers will challenge the use of, language which in any way belittles or could offend a person's trans status or gender identity. Where any language used has a personal impact on others, and it has been made clear to the person concerned that their use of such language is unwelcome and/or unacceptable and/or offensive, disciplinary action will be taken if they use such language again.

Serious cases will be regarded as gross misconduct and, as such, may result in summary dismissal. Our approach to the use of appropriate language includes use in relation to social media and all materials developed or used by Youth Unity CIC, which will be judged in the light of our policy of promoting trans equality and inclusion. Any materials or language considered to be discriminatory will not be used.

Bullying, harassment and discrimination are not tolerated at Youth Unity CIC. Examples of discrimination towards a transgender member of staff could include but is not limited to:

- Refusing to promote as a result of trans status
- Refusing to support a member of staff who is transgender
- Deliberately excluding a transgender person from non-work related activities (i.e. - staff night out etc)
- Transphobic language
- Verbally or physically threatening a transgender person
- Repeated remarks relating to an individual's gender identity or trans status which an individual finds offensive.

- Sexual harassment of a transgender person
- Revealing the transgender status of a person to others, either by disclosing information to individuals or groups (note: this is also a criminal offence).
- Claiming ignorance or confusion about transgender issues in order to continue intentional abuse and discrimination
- Refusing to refer to someone with their preferred name or pronouns

It will be made clear to the person concerned that their behaviour is unwelcome and/or unacceptable. Should they persist with it, in the case of a member of staff, disciplinary action will be taken; or, in the case of a service user, the warnings and terminations procedure will be invoked.

5.23 Medical Leave

Youth Unity CIC recognises that, where a trans person is employed within the organisation, they may need time off work to access medical and/or surgical appointments.

It is unlawful discrimination to treat transsexual people less favourably for being absent from work for gender reassignment treatment than they would be treated if they were absent because they were ill or injured; or if they were absent for some other reason and it is not reasonable to be treated less well.

As such, employees who are transitioning will be able to take time off for medical and/or surgical appointments and treatment in line with Youth Unity CIC Leave Policy. Flexible working patterns and requests for unpaid leave will also be considered in line with the relevant policy.

5.24 Disclosure & Barring Service

The Disclosure & Barring Service (DBS) has to be aware of any previous names and/or genders of DBS-check applicants. However, the Bureau has now devised a process that allows trans people to pass details onto them without first revealing them to the employer.

The DBS has developed a separate application procedure, which allows trans applicants to exclude previous names from the Disclosure Application form. Applicants are then required to send details of their previous identity in a separate letter directly to the Sensitive Casework Manager within the DBS. The DBS will then check the data sources held against both current and previous names.

All employees and applicants who are required to complete a DBS check must be provided with details of how to make a separate application to the Sensitive Casework Manager. This will ensure that any trans members of staff are able to make an application without having to disclose their trans status to colleagues.

Under the Gender Recognition Act, volunteers or employees of Youth Unity CIC cannot pass on details of a person's trans status to a third party if the trans person has a Gender Recognition Certificate, but the Chief Executive Officer needs to be informed if a DBS check reveals any relevant previous convictions. For this reason, it is important that all applications for DBS clearance are to be handled by, and be returned to, the Youth Unity CIC Data Protection Officer, who will provide the CEO with the relevant returns when received.

Where there are no convictions recorded, the details of any previous names that have been provided directly to the DBS will not be revealed on the Disclosure. Where a conviction, or, in Enhanced Disclosure cases, other relevant information has been recorded under a previous name, this will be revealed on the Disclosure and as such details of any previous identity may be revealed.

If there is disclosure of an employee's former name on a DBS clearance return:

- The Data Protection Officer should contact the employee or applicant and inform them that disclosure is going to be made to the CEO, and that whilst their former name and gender will not be disclosed, the nature of the convictions may mean that the CEO will be able to surmise their birth sex.
- Current employees must be given the choice of either allowing the disclosure or resigning from their post.
- Applicants for employment must be given the choice of allowing the disclosure or withdrawing their application.
- Where an employee chooses to resign or an applicant withdraws their application, then the Data Protection Officer must inform the CEO that there were convictions on the DBS return.

The Data Protection Officer is responsible for telling the employee/applicant that:

- If they apply for another similar post with vulnerable people, and Youth Unity CIC is asked their reason for leaving, Youth Unity CIC will not disclose their former name or birth sex but, subject to the seriousness of the convictions, may emphasise the need for the other organisation to obtain DBS clearance, and

- If Youth Unity CIC is asked about their application for employment, Youth Unity CIC will not disclose their former name or birth sex but, subject to the seriousness of the convictions, may emphasise the need for the other organisation to obtain DBS clearance.

5.25 Staff Training

Youth Unity CIC is committed to providing appropriate training programmes to make this policy an effective working document. We will continue to increase our knowledge of and sensitivity to trans issues through ongoing training on transgender equality and inclusion and specific issues faced by trans people who have experienced violence/abuse, to our employees, volunteers and Trustees.

New members of staff, volunteers and Trustees are made aware of this policy and their obligation to implement it through induction processes and through the circulation of any subsequent updates.

Recognising that prejudice and discrimination against trans people is usually founded on ignorance and/or fear of a perceived (but generally not real) threat, Youth Unity CIC is committed to cover discrimination against trans people within its equality and diversity training, both internally and externally, to improve understanding of trans people and their needs in relation to domestic abuse.

5.26 Dealing with Complaints

If any volunteer, trustee or employee feels that they have been, or are being discriminated against, in any way, they are entitled to pursue the matter through either the Grievance Policy.

All instances or complaints of discriminatory or transphobic behaviour will be treated seriously. Complaints or allegations of an unfounded or malicious nature will also be treated as serious and may involve using the disciplinary procedure.

Where service users feel they have been treated unfairly in respect of any services as a result of their trans status they should use the complaints procedure.

Any form of discrimination based on a person's trans status against any member of staff, volunteer, Trustee, service user or visitor shall result in disciplinary action. Youth Unity CIC classifies refusal to work with a trans person as a form of discrimination.

Any Youth Unity CIC employees or volunteers who feel they have been discriminated against as a result of their trans status or their association with a trans person should discuss this with their line manager. If this does not resolve the concern, the staff member may raise a formal grievance as per the Grievance Policy.

5.27 Is it ever legal to treat a Transgender person differently?

The Equality Act 2010 does allow for treating trans people differently in certain circumstances, but only if a service provider is able to show that they are fulfilling a legitimate objective in a fair and reasonable way. The service provider needs to show that a less discriminatory way to achieve the objective was not available. The service provider therefore needs to consider the need of the trans person for the service, the detriment to the trans person if they are denied the service, the type of service being provided, the facilities available, the views of the trans person, the stage of their transition and the effect on other service users.

It is never legal to entrench treating transgender people differently in policy; it must be approached on a case by case basis. It should only ever be considered in extreme circumstances, and whilst it may be legal, would likely compromise Youth Unity CIC ' commitment to equality and anti-discrimination.