

Trans and Non-Binary People

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Policy Statement

Summary

West Yorkshire Police (WYP) actively promotes inclusion and equality and does not discriminate on the basis of gender identity, gender expression or gender presentation treating everyone with dignity and respect. Where this policy refers to 'trans and non-binary' it has in mind a broad range of people whose gender identity is not expressed in ways that are typically associated with the gender assigned at their birth and includes those who have non-binary, non-gender or gender-fluid identities. This also extends to when dealing with individuals who identify as trans and non-binary who are subject to detention and/or searches, and the circumstances where name/gender are updated on police systems.

Gender reassignment is a protected characteristic under the Equality Act 2010.

Scope

This policy applies to all police officers, police staff, special constables, volunteers and trans and non-binary people who are victims, witnesses, subject to a legal procedure and those who are in custody.

Principles

General

- All trans and non-binary individuals will be dealt with respectfully and in accordance with the WYP purpose, values and code of ethics.
 - The focus of this policy is the individual police officer, staff member or member of the public.
 - The Force will support officers and staff who are trans and non-binary, supporting those who are also transitioning by agreeing a care plan with the individual, which will allow individuals choices as to how they wish the process to be managed.
 - Line managers and HR staff will be provided with help and advice in regards trans and non-binary issues.
 - Any issues concerning trans and non-binary officers, staff and members of the public will be dealt with confidentially.
 - Officers and staff must ensure that they deal with an individual who comes in contact with the police in the gender in which they present, must understand the processes for determining gender, particularly for search/detention, and be able to update Police records.
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Disclosure

- When an individual has made an application under the [Gender Recognition Act 2004 \(GRA\)](#) to obtain a new birth certificate, S22 of the GRA establishes it is an offence for a person to disclose protected information acquired in

an official capacity to any other person ([exceptions](#) apply).

- ‘Protected information’ is any information relating to:
 - Their application for a Gender Recognition Certificate, or
 - The gender history of a successful applicant.
 - Consent must be obtained on each and every occasion.
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Responsibilities – Trans and Non-Binary Officers and Staff

Line Manager

Individual’s Considering Transitioning or disclosing their Trans identity

The term ‘trans’ is an umbrella term which includes men, women and people who have non-binary, non-gender or gender-fluid identities. Transitioning is a term used to describe the process and steps an individual takes in order to live in the gender they identify as. Transitioning is a unique process for each individual and may include any number of changes to a person’s life. It may be social and/or medical, and can take several years. Where an officer or staff member discloses either their trans identity or their intention to transition the Line manager is responsible for:

- Holding a confidential face to face meeting to discuss and agree an individual [Care Plan](#) which considers how the individual wants to manage their transition, what they want to change and what support they might need. The meeting is also an opportunity to talk about any concerns or worries that an individual may have about disclosing their chosen gender identity and to discuss any time off work they may require (e.g. for counselling and/or treatment, medical appointments). The care plan should remain in place for as long as it is needed and is helpful.
- Undertaking a risk assessment;
- Discussing anticipated treatment dates;
- Providing assurance that all information will be treated in the strictest confidence; stored securely with restricted access given only to those determined by the individual
- Discussing with the individual how they wish any absence from work for treatment, medical appointments and/or surgery to be recorded on the systems i.e. operation, other whilst reassuring this information will be kept confidential.
- Any absence will be discounted through discussion with your line manager or HR representative at the start of each application for internal recruitment processes.
- Offer regular One-to-One meetings throughout an individual’s transition to ensure an individual is fully supported and care plans are maintained and/or updated as appropriate.
- Arranging for the update of the individuals warrant or ID card as often as necessary to reflect the physical changes taking place.
- Asking the individual which toilets/changing facilities they are most

comfortable using;

- Allowing consideration to whether the individual would prefer to wear male and/or female or gender neutral uniform;
- Discussing with the individual the option of having a new collar number allocated (police officers only).
- Discussing with the individual dates for moves (if applicable)
- Asking the individual what name they would like to be known by and what pronouns should be used;
- Communicating changes, discussing with the individual who needs to be informed, when they should be informed and how they want to be supported through this process; and
- Discussing whether an Occupational Health Unit (OHU) referral is appropriate.
- Managing the reactions of colleagues as other staff and colleagues may have fixed notions or a lack of awareness of transgender identity and transition or not know how to respond to changes. It is important that the working environment is welcoming and supportive and that swift action is taken to deal with any negative situations.
- Under no circumstances must a line manager pass information to any other person inside or outside the organisation without the individual's explicit consent.

Disclosing any information about an individual's Trans status without their consent may result in disciplinary action being taken. In some instances disclosing information without consent may constitute a criminal offence.

Human Resources (HR) Responsibilities

Responsibilities The local HR team are responsible for:

- Clarifying what the individual wants to change in the workplace i.e. title and/or forename/'known as' name and/or gender identity on records. There is no requirement for an individual to state in writing their trans identity or an intention to transition however where there is a request to change their title and/or name on WYP records this will be required in writing and might include changes to the IT system, staff ID cards, e-mail address etc;
- Amending all records to reflect these changes
- Considering the destruction of records that refer to the individuals previous gender;
- Sealing any remaining records indicating who is allowed to view them at the direction of the individual;
- Ensuring password protection and restricted access to any electronic documents that refer to the individuals previous gender;
- Ensure appropriate support is given to both the individual and the line manager

- If agreed with the individual allocate a named HR single point of contact for ongoing support
 - Monitoring the attendance of any student officer undergoing transition during their probationary period. An extension to the probationary period may need to be considered depending on the length of absences.
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Responsibilities – Trans and Non-Binary Members of the Public

Officers and Staff

- Responsibilities** Officers and staff are responsible for:
- Employing a tactful, sensitive approach to the use of titles and names for preferred gender, i.e. addressing trans people in the gender they present (referring to a transgender female as a Woman and a transgender male as a Man) and using the correct personal pronouns of she/he. For non-binary people, pronouns he/she, his/hers, may be replaced with more neutral pronouns such as: they, per, zie or fey;
 - Securing properly any records or printouts which may disclose a person's gender status.
 - Refraining completely from asking an individual about whether they have a Gender Recognition Certificate. If you deal with an individual whose name/gender on Niche/PNC is different from the gender they are living in and they have not disclosed any trans status, add the individual's name as an alias to the Niche record. If they disclose their Trans status, refer to the [Flowchart - Updating Police Systems](#) before making any changes to systems. Further information is also within the [supporting information](#).
 - Protecting a person's trans status when communicating over Airwave, or other insecure method; and
 - Refraining from disclosing any unnecessary or irrelevant information. Any such disclosure could result in a criminal prosecution.
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Searching and Detention

- Establishing Gender**
- Officers must never assume a person's sex or gender identity.
 - APP Detention and Custody – Equality and individual needs together with The Police and Criminal Evidence Act (PACE) Code C, Annex L outlines the procedure that should be followed in order to determine the preferred gender of a person, particularly when searching.
 - The decision making used to establish a detained person's gender must be fully recorded and explained on the detention log or custody record and the detainee must sign this to indicate their consent. The detained person's preferred gender will also need to be recorded.

If...	Then...
Gender is apparent	<ul style="list-style-type: none"> • Treat the person as that gender.
There is doubt as to the persons gender	<ul style="list-style-type: none"> • Ask what gender they consider themselves to be. • Also consider, if identifying as Non-Binary, referring to Annex L, Code C, to establish the predominant gender. Being guided by the individual and evidencing this is key. • If they express a preference to be dealt with as a particular gender, ask the person to sign: <ul style="list-style-type: none"> ○ The custody record; ○ The pocket book; or ○ Other appropriate document; to indicate their preference. • The person should be treated according to their preference.
If there are still grounds for doubt	<ul style="list-style-type: none"> • If there are grounds to doubt that the preference above accurately reflects the person's predominant lifestyle, e.g. if they ask to be treated as a woman but documents and other information make it clear that they live predominantly as a man, or vice versa, officers should treat them according to what appears to be their predominant lifestyle and not their stated preference.
The person is unwilling to indicate their preference	<ul style="list-style-type: none"> • Efforts should be made to determine the predominant lifestyle of the person, e.g. if they appear to live predominantly as a woman, they should be treated as such.
None of the above applies	<ul style="list-style-type: none"> • The person should be dealt with according to what reasonably appears to have been their sex as registered at birth.

Searching and Recording Detainees

- All searches and procedures must be carried out with courtesy, consideration and respect. Officers should show particular sensitivity when dealing with trans and non-binary individuals.
- When detaining a trans person, custody staff should be mindful of any medical treatment the person may be undergoing and how this may affect behaviour.
- The officer or staff member carrying out the search must be advised of the decision made about which gender the individual is to be treated as, and the reasons supporting it, before carrying out the search.
- The detainee must be asked which gender of officer/staff they want to

undertake the search, and they both must sign the custody record (or in the case of a stop and search, the officer's pocket notebook). They may request that two officers (female and male) search appropriate areas of their body.

- Further information can be found in the [supporting information document](#).
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Detention

- In line with the College of Policing Detention and Custody Guidance, transgender and transvestite detainees must always be accommodated in a cell or detention room on their own.
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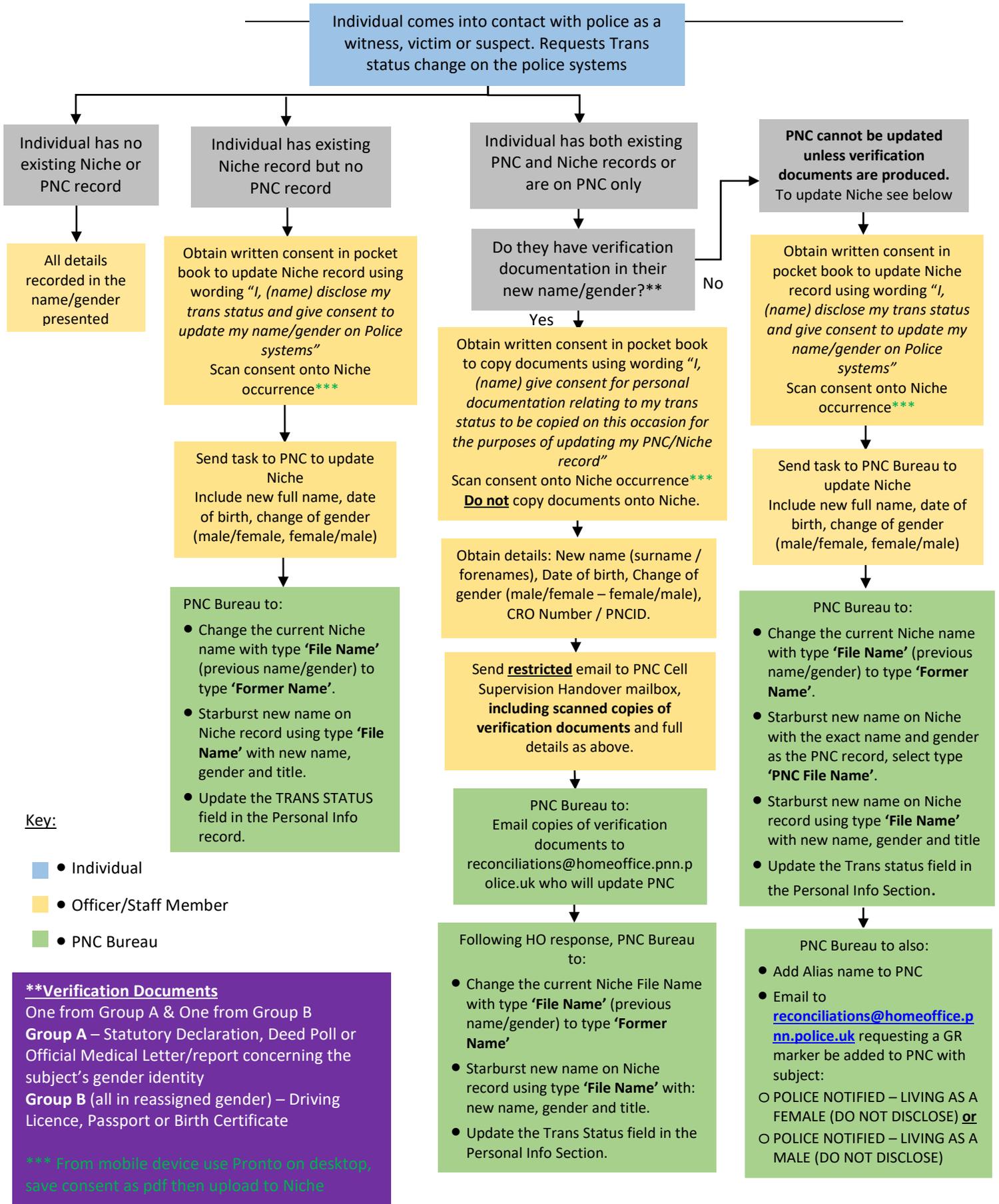
Strip and Intimate Searches

- In certain cases, a person in detention may be subject to further intrusive searches. Annex A to Code C relates to 'strip' and 'intimate' searches.
 - The detainee's request to be searched by an officer of the gender of their choice must be granted wherever possible.
 - There is also a requirement to be sensitive to the dignity of Police Officers called upon to undertake the search. An officer or member of police staff can choose not to conduct the search. See the Gender Recognition Act 2004.
 - Trans officers and staff in some cases will be called upon to undertake the search of a detainee. Officers and staff who are transitioning may find this uncomfortable. The officer or member of staff may choose not to conduct the search and/or the detainee may request to be searched by another officer or member of staff. These cases must be dealt with sensitively to ensure officers and staff are appropriately supported.
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Independent Custody Visitors

- Independent Custody Visitors (ICVs) must secure a detainee's consent prior to viewing the custody record of any detainee, and the interaction should be recorded in the custody record in all cases, including if the detainee does not give consent.
 - Gender reassignment information is protected under the Gender Recognition Act, and disclosure to any other person should not be made
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Flowchart - Updating Police Systems



Key:

- Individual
- Officer/Staff Member
- PNC Bureau

****Verification Documents**

One from Group A & One from Group B
Group A – Statutory Declaration, Deed Poll or Official Medical Letter/report concerning the subject’s gender identity
Group B (all in reassigned gender) – Driving Licence, Passport or Birth Certificate

*** From mobile device use Pronto on desktop, save consent as pdf then upload to Niche

Introduction

- An individual's gender status and history is private to that individual. However, it is important that information is recorded accurately on Police IT systems for all victims, complainants and witnesses.
 - This must reflect the particular needs of Trans and non-binary people wherever possible, and flexibility may be required.
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Updating Niche and PNC

- A trans individual's details can be updated in most circumstances. However, before making any changes to Police systems you must refer to the [Flowchart - Updating Police Systems](#). Further guidance is also included in the [supporting information document](#).
 - The flowchart provides guidance on how to update systems for Trans individuals in circumstances where:
 - No existing Niche or PNC record exists for the individual;
 - Individual has existing Niche record but no PNC record;
 - Individual has both existing Niche and PNC records or is on PNC only.
 - West Yorkshire Police is working towards improving its systems to record when an individual self-identifies as Non-binary.
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Additional Information

Compliance This policy complies with the following legislation, policy and guidance:

- The Gender Recognition Act 2004 (GRA)
- The Equality Act 2010
- The Human Rights Act 1998
- The Data Protection Act 1998
- APP Detention and Custody
- Police and Criminal Evidence Act 1948 (PACE), Code of Practice C
- Practice Advice on Search Management and Procedures 2006
- ACPO Gender Recognition Act – Guidance for police officers and staff
- College of Policing Detention and Custody Guidance
- Dignity and respect in the workplace policy

Supporting Information The supporting information for this policy can be accessed via [this link](#). This also includes a useful glossary of terms, line manager’s guidance, guidance for trans individuals and the trans care plan.

Further Information Further guidance in relation to this policy can be sought from the below that WYP has worked with the trans community to produce:

- [‘Top Tips for working with Trans People.’](#)
- [Gender Identity and Trans People Toolkit](#)
- [LGBT I-Learn resource](#)
- [Operational Guidance: Working with Diverse Communities](#)

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