

LGBT Policy & Procedure

Statement & Purpose of Policy

Serenta Homecare is committed to leading and promoting equality, diversity and inclusion, equal opportunities and supporting human rights in terms of the provision of care services for the community it serves and in its practice as an exemplar employer. This Policy and guidance set out Serenta Homecare responsibilities as an employer of LGBT Staff and Clients.

Scope of the Policy

The policy applies to all staff and workers. Staff will be expected to comply with the Policy at all times and positively challenge colleagues and users of services who act in a manner that breaches the legal aspects of Serenta Homecare responsibilities.

As gender reassignment is a protected characteristic under the Equality Act 2010 we must ensure that people are not discriminated against or disadvantaged by service delivery or prejudice of Staff, other Clients or the public. We also recognise that being LGBT is only one aspect of the individual's identity and therefore, it is not a case of "one size fits all". Each person will have different needs and as such, a person-centered approach will be taken.

Aims of the LGBT Policy

This policy applies to all Staff, Clients, and members of the public detailing how a LGBT person should be treated in a dignified, non-discriminatory way. Its aims are to support the organisation in its delivery of inclusive services and ensure that it does not breach the Equality Act 2010. Under this legislation it states that a transgender person no longer has to be under medical supervision or have a gender recognition certificate to prove that they have the protected characteristic gender reassignment. For example, a trans person who simply starts using different pronouns (she, he, and they) is protected by the Equality Act regardless of whether or not they wish to take any hormones or have any surgeries. They must be treated in accordance with their self-declared gender identity. Discrimination against a transgender person should be challenged, whether the discrimination stems from staff, Clients or the public.

Serenta Homecare also recognise that transgender people are entitled to fair and equal access to all services. A person's gender status will not exclude them from the high standards of employment expected from us. Serenta Homecare recognises:

- The broad spectrum of gender diversity within society and that traditional gender stereotypes are inadequate in reflecting the lives of Staff and Client.
- That people have the right to live with dignity and privacy in the gender with which they identify, and that there must be no exceptions to this when a transgender person is Staff or using services and facilities.
- New Clients will as part of the care planning process be asked their sexuality and gender orientation, but also have the opportunity to not answer the question. We will retrospectively identify the sexuality and gender orientation of all our Clients. This information will be kept private and confidential and not shared unless we are given permission.
- For a member of staff who is transgender, any changes to working conditions or access to facilities should have a negotiated approach between the staff member and their manager. This policy therefore needs to be considered alongside other Serenta Homecare policies.

Priorities Transgender Staff:

- We are committed to ensuring equality of opportunity for transgender Staff.
- All transgender Staff have the legal right to be treated equally under the Equality Act 2010
- The fundamental directive of this Policy is that transgender people will be treated in their self-identified gender at all times.

To support work in these areas, Serenta Homecare will:

- Ensure transgender Staff can work in an environment without fear of prejudice, discrimination or harassment
- Provide management and staff with guidance on the rights of transgender Staff and the legal context for this
- Provide information to transgender people regarding their rights to equality of access of service and employment opportunities.
- Ensure that Staff who intend to undergo, are undergoing, or have undergone gender reassignment are treated with fairness and support in their recruitment and development.
- Support staff to contribute to culture change within this organisation.
- The organisation views discrimination against Staff as unacceptable in any form. Transgender Staff will enjoy the right to equal treatment and protection from discrimination and harassment.

Genuine Occupational Qualification (GOQ) and Client preference

The Equality Act 2010 provides limited exemptions for GOQ positions to restrict access to members of a particular gender. These exemptions can only be applied to achieve a legitimate operational need. Currently Serenta Homecare doesn't have any of these roles but does have Client who request male or female carers. All efforts should be made to enable transgender Staff to work in positions, including those covered by General Occupational Qualifications, consistent with the gender in which they are living. Where a person has a gender recognition certificate they must be regarded as being that gender for the purposes of GOQ positions. As the gender history of a Staff is a matter of strictest confidentiality, this information should never be shared with Clients.

Transition

At the point where a staff member feels they may want to disclose to a manager their thoughts on a transition, the manager will work with them to address:

- The change of name and sex in terms of records
- Discussing who will be told and when
- Date of starting working in new gender
- A procedure change for uniform
- Agree on when the change in use of toilet facilities
- Any training for staff

Any information relating to an individual's gender reassignment should be destroyed unless there is an essential reason for keeping it. If such reasons can be evidenced, the documents should be secured to restrict access to authorised personnel and must not be passed to any third party without the specific consent of the member of staff.

Change in Social Gender

At some point the Staff will likely wish to present themselves at work in their new gender. When the Staff indicates that they are ready to begin working in their new gender, the plans agreed to under the previous section should be implemented. It is important to allow the Staff to be in control of the timetable for this and to be flexible in the case that the Staff decides that the experience is too difficult and wishes to delay any part of it.

Dress Code

If the Staff requires to wear a uniform which is gender specific, they can choose to wear the uniform in accordance with the gender with which they are living.

Record Keeping

All records should be updated to reflect the new name, title and gender simply on receipt of a written request from the trans person. No formal evidence is required in support of the written request, although many trans people may choose to provide a statutory declaration or deed poll confirming their change of name. Records must be updated regardless of whether or not the trans person has any medical treatment or gender recognition certificate. After two years living in their acquired gender with all their records updated (except their birth certificate), transgender people have the option of applying to the Gender Recognition Panel for a gender recognition certificate which updates the gender on the person's UK birth certificate and provides enhanced gender history privacy protections.

A transgender member of staff or Client is under no obligation to provide a gender recognition certificate to their employer/Service Provider; nor, should anyone be asked if they hold one under any circumstances.

The Manager should advise on where records are maintained that need to be changed. Under the Data Protection Act information relating to transgender will not be disclosed to anyone not specifically authorised to see them.

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Author: Fran Beardsmore

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