

## Section A: Standard Impact Assessment Process Document

### NHS Ayrshire & Arran Standard Impact Assessment Process Document



Please complete electronically and answer all questions unless instructed otherwise.

#### Section A

#### Q1: Name of Document

Supporting Trans Staff in the Workplace Guidance

Q1 a: Function  Guidance  Policy  Project  Service  Other, please detail

#### Q2: What is the scope of this SIA

NHS A&A  Service Specific  Discipline Specific  Other (Please Detail)   
Wide

#### Q3: Is this a new development? (see Q1a)

Yes  No

#### Q4: If no to Q3 what is it replacing?

#### Q5: Team responsible for carrying out the Standard Impact Assessment? (please list)

Jay Jackson, Programme Manager - Stonewall Scotland  
Elaine Savory, Equality and Diversity Adviser  
Members of the NHS Ayrshire & Arran LGBT Champions Group (Jacqueline Armstrong, Karen Callaghan, Lorraine Crum, David Bingham, Elaine Harrison, Ruth Holman, Patricia Leiser, Ann McArthur, Colin McDowall, Elizabeth, Paterson, Rossana Ralston, John Swiatczak-Steele)

#### Q6: Main SIA person's contact details

Name:	Elaine Savory	Telephone Number:	01563 826438
Department:	Person Centred Care Team	Email:	Elaine.savory@aapct.scot.nhs.uk

#### Q7: Describe the main aims, objective and intended outcomes

The Supporting Transgender Staff in the Workplace Guidance aims to provide an appropriate framework within NHS Ayrshire & Arran to enable managers to ensure employees are fully supported in the workplace. This protocol applies to all staff, patients and members of the public detailing how a trans person should be treated in a dignified, non-discriminatory way.

It also aims 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 trans person no longer has to be under medical supervision or have a gender recognition certificate to prove that they have the protected characteristic of gender reassignment. For example, a trans person who simply starts using different pronouns for example '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 trans person should be challenged, whether the discrimination stems from staff, patients or the public.

**Priorities:**

- We are committed to ensuring equality of opportunity for trans employees.
- All trans employees have legal rights that are set out in Appendix B.
- The fundamental directive of the guidance is that trans people will be treated in their self-identified gender at all times.
- The guidance will support legal compliance in NHS Ayrshire & Arran's responsibilities as an employer of trans people.

To support work in these areas, NHS Ayrshire & Arran will:-

- Ensure trans employees can work in an environment without fear of prejudice, discrimination or harassment
- Provide management and staff with guidance on the rights of trans employees and the legal context for this
- Continue to develop staff awareness of trans
- Provide information to trans people regarding their rights to equality of access of service and employment opportunities
- Ensure that employees 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

**Outcome:** Achieving a fair and supportive environment for trans employees and future applicants/employees

**Q8:**

**(i) Who is intended to benefit from the function/service development/other(Q1a) – is it staff, service users or both?**

Staff  Service Users  Other  Please identify \_\_\_\_\_

**(ii) Have they been involved in the development of the function/service development/other?**

Yes  No

**(iii) If yes, who was involved and how were they involved? If no, is there a reason for this action?**

**Comments:**

Staff were involved through a range of meetings, emails and discussions.

This guidance was developed based on the NHS Forth Valley protocol and guidance document and had input from the Scottish Transgender Alliance, Stonewall Scotland as well as NHS Greater Glasgow and Clyde.

The guidance document was shared with NHS Ayrshire & Arran's internal LGBT Champions group which allowed input from across the organisation before going forward to our Corporate Management Team and Area Partnership Forum for final approval.

**(iv) Please include any evidence or relevant information that has influenced the decisions contained in this SIA; (this could include demographic profiles; audits; research; published evidence; health needs assessment; work based on national guidance or legislative requirements etc)**

Comments:

**Comments:**

A robust piece of USA research in 2016 found that 0.6% of the population in the USA identify as trans, with individual USA states varying from 0.3% to 0.8%:

<https://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf>

At present there are no similar quality statistics for Scotland or the UK. It could be estimated that somewhere between 15,000 and 30,000 people in Scotland self-identify as trans in the widest sense.  
(Scottish Trans)

National evidence has shown that a disproportionate number of trans people are unemployed or employed in low paid work. Much of this relates to perceived or real discrimination in the workplace and NHS Ayrshire & Arran will work to promote the organisation as a credible employer of choice for trans people.

Additional legislative documents and policies

- Directorate for Health Workforce and Performance, Gender Reassignment Protocol CEL26 (2012)
- Equality Act 2010
- Best Practice identified by Transgender Alliance Scotland, Stonewall Scotland and LGBT Youth Scotland.
- Gender Recognition Act 2004
- Demographic profile of workforce
- Promoting Attendance Policy
- Equality, Diversity & Human Rights Policy
- Parental Leave Policy
- Uniform Policy and Dress Code

**Q9: When looking at the impact on the equality groups, does it apply within the context of the General Duty of the Equality Act 2010 see below:**

In summary, those subject to the Equality Duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups

**Has your assessment been able to demonstrate the following: Positive Impact, Negative / Adverse Impact or Neutral Impact?**

What impact has your review had on the following 'protected characteristics':	Positive	Adverse/ Negative	Neutral	<b>Comments</b> Provide any evidence that supports your answer for positive, negative or neutral incl what is currently in place or is required to ensure equality of access.

<b>Age</b>			X	This guidance applies to all members of staff working for NHS Ayrshire & Arran and covers all ages.
<b>Disability</b> (incl. physical/sensory problems, learning difficulties, communication needs; cognitive impairment)			X	No discrimination on the basis of disability is noted with this guidance to support employees who transition at work. Specific support would be given dependant on need and individual circumstances.
<b>Gender Reassignment</b>	X			Most employers are aware of the need to show a positive approach to trans people and other groups with 'protected characteristics'. An accepting environment in which diversity is celebrated ensures that valuable staff are recruited and retained.  This guidance recognises that providing a welcoming environment, in which valuable staff are recruited and retained benefits everybody, not just the groups specifically targeted.  The Equality Act 2010 strengthened and unified existing laws that protect trans people, and the development of this guidance represents NHS Ayrshire & Arran's commitment to ensuring the benefits and requirements of this law are clearly identified and followed within the organisation, and that staff who may wish to undergo a gender reassignment process are aware they can do so with the assurances that a clear and supportive process is in place.
<b>Marriage and Civil partnership</b>			X	No discrimination on the basis of marriage and civil partnership is noted with this guidance to support employees who transition at work.
<b>Pregnancy and Maternity</b>			X	No discrimination on the basis of pregnancy and maternity is noted with this guidance to support employees who transition at work. Existing policies and procedures would be followed to support staff in relation to pregnancy and maternity including parental leave etc.
<b>Race/Ethnicity</b>			X	This guidance covers employees from all ethnic backgrounds. Different cultures have different preconceptions about trans people, and this means that some staff members may have personal

				<p>prejudices about trans people that result from their cultural background.</p> <p>Should this arise, NHS A&amp;A has a duty of care to deal with any discriminatory behaviours and they will be dealt with in line with existing organisational processes.</p>
<b>Religion/Faith</b>			X	<p>This guidance covers employees from all religions/faiths and spiritual backgrounds. We recognise that different faith based groups/spiritual care groups have different preconceptions about trans people, and this means that some staff members may have personal prejudices about trans people that result from their own background.</p> <p>Should this arise, NHS A&amp;A has a duty of care to deal with any discriminatory behaviours and they will be dealt with in line with existing organisational processes.</p>
<b>Sex (male/female)</b>	X			<p>This guidance outlines support in place in relation to gender transition. Sensitivity may arise over use of toilets, changing facilities etc. This protocol has been designed to address same.</p>
<b>Sexual orientation</b>			X	<p>No discrimination on the basis of sexual orientation is noted with this guidance to support employees who transition at work.</p>
<b>Staff</b> (This could include details of staff training completed or required in relation to service delivery)	X			<p>This guidance supports staff not only wishing to change their gender identity but also managers and colleagues within the organisation to ensure that dignity and respect as well as legislative requirements are met at all times.</p> <p>A factor which may explain differential impact could be other people's lack of knowledge around trans issues therefore we will ensure that training and information for staff will be put in place. This will however be proportionate to other training required within the respective member of staff's role.</p>
<b>Cross cutting issues:</b> Included are some areas for consideration. Please amend/add as appropriate. Further areas to consider in Appendix B				
<b>Carers</b>			X	<p>This guidance supports staff who transition whilst employed by NHS A&amp;A and no impact on carers has been identified.</p>

<b>Homeless</b>			X	This guidance would not have any impact on an individual's living situation. However, we recognise that such a decision could potentially impact on someone's living situation and signposting to relevant support organisations would be given.
<b>Involved in Criminal Justice System</b>			X	No discrimination noted. Normal procedures would be put in place. This protocol also covers NHS staff working within HMP Bowhouse, Kilmarnock.
<b>Language/ Social Origins</b>			X	No discrimination noted based on language or social origins.
<b>Literacy</b>			X	The guidance itself will not have any impact on a person's literacy, however, any member of staff requiring support with the guidance can request via the organisation.
<b>Low income/poverty</b>			X	The guidance document will have no differential impacts on low income/ poverty.
<b>Mental Health Problems</b>			X	No discrimination noted. Normal procedures would be put in place to support a member of staff via existing workplace policies
<b>Rural Areas</b>			X	The guidance document will have no differential impacts on rural areas. The guidance supports staff not only wishing to change their gender identity but also managers and colleagues within the organisation to ensure that dignity and respect as well as legislative requirements are met at all times.

**Q10: If actions are required to address changes, please attach your action plan to this document. Action plan attached?**

Yes

No

**Q11: Is a full EQIA required?**

Yes

No

**Please state your reason for choices made in Question 11.**

**If the screening process has shown potential for a high negative impact you will be required to complete a full equality impact assessment (see guidelines).**

Date SIA Completed

01/07/2018

Date of next SIA  
Review

01/07/2021

Signature

Elaine Savory

Print Name

ELAINE SAVORY

Department or Service

Person Centred Care Team

Please keep a completed copy of this template for your own records and attach to any appropriate tools as a record of SIA or EQIA completed. Send copy to [elaine.savory@aapct.scot.nhs.uk](mailto:elaine.savory@aapct.scot.nhs.uk)

**Section B: Standard/Full Impact Assessment Action Plan (EQIA)**

Name of document being  
EQIA'd:

<b>Date</b>	<b>Issue</b>	<b>Action Required</b>	<b>Lead (Name, title, and contact details)</b>	<b>Timescale</b>	<b>Resource Implications</b>	<b>Comments</b>
DD / MM / YYYY						
DD / MM / YYYY						
DD / MM / YYYY						
DD / MM / YYYY						
DD / MM / YYYY						
DD / MM / YYYY						

Further  
Notes:

Signed:

Date:

## Section C: Quality Assurance

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### QA Section

#### Lead authors details?

Name:  Telephone Number:   
Department:  Email:

#### Does your policy / guideline / protocol / procedure have the following on the front cover?

Version Status  Review Date  Lead Author   
Approval Group  Type of Document (e.g. policy, protocol, guidance etc)

#### Does your policy / guideline / protocol / procedure have the following in the document?

Contributory Authors  Distribution Process  Implementation Plan   
Consultation Process

#### Is your policy / guideline / protocol / procedure in the following format?

Arial Font  Font Size 12

#### Signatures

Lead Author:  Date:

#### Signatures

QA Check  Date:

Once both signatures above are complete the document can be sent to the approving group for approval (**Sections A&C only**).