

TRANSITIONING AT WORK POLICY

References to Chambers in this policy include Brick Court Chambers and its service company, Little Essex Street Service Company Ltd. References to employees are to former employees of Brick Court Chambers and current and former employees of Little Essex Street Service Company Ltd, as appropriate.

A. Introduction

1. This is Chambers' Transitioning at Work Policy. It is effective, in this version, as of the date of its approval by the Executive Committee, set out below.
2. This is one of a number of specific policies aimed at achieving the objectives of Chambers' Equality and Diversity Policy, which sets out Chambers' overarching rules, principles and procedures for preventing discrimination, ensuring equality of opportunity, and promoting diversity, and which should be read together with this policy. Any queries, concerns, issues, complaints or grievances in respect of this policy should be raised by one of the means set out in the Equality and Diversity Policy. Breaches of this policy will be dealt with as set out in the Equality and Diversity Policy.

B. Purpose and scope

3. This policy sets out how Chambers will provide support for any member of Chambers, employee or pupil who wishes to transition at work (a "**person transitioning**"). In particular, it aims to:
 - (1) confirm Chambers' commitment to provide such support, and to be a trans-inclusive and welcoming organisation;
 - (2) explain the processes by which Chambers will work with a person transitioning to identify what support they require; and
 - (3) identify aspects of Chambers' other policies that are particularly relevant to achieving the aims of trans inclusivity and providing support to persons transitioning.

4. This policy applies to all individuals working at all levels of Chambers, including members of Chambers, employees, pupils, mini-pupils, consultants, contractors, casual and agency staff (“**persons working within Chambers**”).

C. Terms

5. Transitioning is a social and/or medical process by which a person changes their life or body to better reflect their gender. What it involves, and its timescale, is individual to each person who transitions.
6. Neither transitioning, nor entitlement to support under this policy, requires a person to:
 - (1) have any diagnosis;
 - (2) undergo any medical procedure, including gender reassignment;
 - (3) obtain or seek to obtain a Gender Recognition Certificate;
 - (4) go through any other specific process of transition; or
 - (5) justify why they wish to transition or “prove” their gender to any person.
7. Trans is short for transgender, an adjective describing someone who does not unambiguously identify with the gender that was assigned to them at birth. It is an umbrella term and is not limited to persons who transition. Not all people who fit the definition of trans in this paragraph call themselves trans.
8. The language of “gender reassignment” and “transsexual persons” used in the Equality Act 2010 is outdated and should be avoided save where required by a specific legal context.
9. As set out in Chambers’ Equality and Diversity Policy, persons working within Chambers should avoid outdated language, are encouraged to use the language preferred by specific individuals when referring to such individuals, and are required to respect everyone’s choice of their own pronouns.

D. Obtaining support for transitioning at work

Informing Chambers

10. Persons who wish to transition at work should first inform:

- (1) in the case of employees, their head of department, the Director of Finance and Operations or a Senior Clerk; and
 - (2) in the case of members of Chambers and pupils, a Head of Chambers.
11. If you have any concerns about making such an approach, and/or would prefer to discuss transitioning informally and confidentially before doing so, please contact the Equality and Diversity Officer or one of Chambers' diversity mentors (all of whom are listed on the equality and diversity section of Chambers' website). Any such approach will be treated in confidence. However, the person who ultimately takes responsibility for enabling Chambers to provide support for a person transitioning is likely to be a Senior Clerk, where the person transitioning is an employee, or a Head of Chambers, where the person transitioning is a member of Chambers or pupil.
 12. The person who takes responsibility for enabling Chambers to provide support for a person transitioning is referred to below as the responsible person.

Making a plan

13. Once informed, the responsible person will arrange a meeting with the person transitioning to discuss how Chambers can support their transition, and to make a plan for that purpose. The plan will depend on the circumstances, but may include:
 - (1) what further such meetings may be required;
 - (2) what periods of leave, or changes to working arrangements, may be appropriate;
 - (3) whether, and if so how, other people working within Chambers should be informed about the transition (including for the purpose of implementing the plan);
 - (4) what changes, if any, should be made in respect of how the person transitioning is referred to and addressed in Chambers and on Chambers' records and systems, including their title, name, pronouns, initials used, and email address;
 - (5) what information, if any, should be notified to external parties such as clients and regulators; and
 - (6) when any such steps should be taken.

14. It is a fundamental principle of this policy that all timescales will be led by the person transitioning, and no such steps will be taken without their agreement.
15. Meetings will be recorded in writing. Records will be kept strictly confidential.

E. Confidentiality

16. Chambers will respect the confidentiality of the person transitioning. Information about their transition will not be provided to anyone without that person's consent (although, as noted above, it may be necessary to inform certain people in order to provide particular kinds of support).
17. In cases where the person transitioning has applied for a gender recognition certificate pursuant to the Gender Recognition Act 2004, persons working within Chambers should be aware that section 22 of that Act may render it a criminal offence to disclose the fact of that application, or, where such a certificate is granted, to disclose that person's previous gender.

F. Other relevant policies

Equality of opportunity, discrimination and harassment

18. Gender identity and expression are Protected Characteristics under Chambers' Equality and Diversity Policy. Chambers is committed to ensuring that people are treated equally without regard to their gender identity or expression. Discrimination on grounds of, or harassment relating to, gender identity or expression are prohibited within Chambers and may be unlawful. Further details are set out in Chambers' Equality and Diversity Policy and Dignity at Work Policy.

Flexible working

19. Where the person transitioning is an employee, it may be relevant to consider whether the support to be provided by Chambers should include a change to their working pattern pursuant to Chambers' Employee Flexible Working Policy.

Dress

20. Chambers does not have a dress code, save that business attire is required for employees when they are meeting clients. There is no gender-specific aspect to this requirement.

Approved by Executive Committee on 6 May 2021.

To be reviewed by the Equality and Diversity Committee every two years.