

### **Transgender Case - Defensive Brief (only if asked)**

- **Can confirm that the Force has settled out of court in an Employment Tribunal case involving a transgender police officer.**
- **Can confirm that the officer concerned continues to serve with the Force.**
- **We believe that the settlement reached draws a line under the past. The Force is now committed to providing the officer with help and practical assistance through the coming months.**
- **Can confirm that a small ex-gratia payment has been made to the claimant in recognition that she has been working through life-changing and challenging circumstances.**

**Q. Is this the MDP's first transgender officer?**

**A:** So far as we are aware, yes.

**Q: Has the MDP ever dealt with any other officers in similar circumstances?**

**A:** No. All officers are dealt with in the context of their own personal circumstances, but we have not dealt with a transgender officer before.

**Q: We understand that the officer was disarmed and prevented from performing her duties as an armed police officer? Why was she disarmed?**

**A.** The Force is required under health and safety law to manage a high-risk activity - namely the provision of armed policing - as safely as possible. The Force must ensure the lowest possible risk to the police officers carrying firearms, to his or her colleagues, and to any member of the public with whom the officer might interact. In this case the officer issuing firearms assessed all the available information and risk associated with the issuing of a firearm to the claimant, and made a judgement not to issue.

**Q: Was the officer taken off firearms because she was considered a suicide risk?**

**A.** An officer whose duty it is to issue a firearm and ammunition is required to assess all the available information and risk associated with the issuing of that firearm. In this case, the total of the information available to the issuing officer caused him to make a judgement not to issue the officer with a firearm.

**Q: Why was this officer kept off firearms for so long?**

**A.** Once authorisation to bear a firearm has been withdrawn, the process for assessing risk in order to be re-armed is no less rigorous. There are clear instructions as to the requirement to seek medical advice via occupational health services as a starting point. Regrettably, delays were caused in this case by gaps in the contract with the MOD's occupational health provider for the provision of psychological assessment services.

**Q: Do you accept that you discriminated against this officer because you didn't understand transgender issues?**

**A:** No. The Force was focused on safety issues, which is paramount in a high-risk work environment. A no-liability settlement has been reached with the officer in this case.

**Q. If there was no discrimination, why have you paid out compensation?**

**A.** There was no compensation payment - the Force has made a small ex-gratia payment as a gesture of support to a transgender officer. The Force accepts that some of the processes involved in re-authorising the officer concerned to carry a firearm were not as efficient as they will need to be in the future and the ex-gratia sum paid by the Force reflects that the officer in question was working through life-changing and challenging circumstances at the time

The Force is actively reviewing its processes and will be consulting with the officer concerned, in order to make improvements.

**Q: What steps are you taking to assist the transgender officer in the future?**

**A.** MDP is committed to providing her with help and practical assistance through the coming months (for example by funding specialist counselling if it is needed).

**Q. How can you ensure that the officer will be treated differently now that she's back at work?**

**A.** MDP has clear professional standards intended to ensure that all officers in the Force maintain a level of respect for their colleagues and for members of the public, whatever their gender status, and this is reinforced in the national Code of Ethics for the wider police service. We are committed to enforcing those standards and to helping any other officers who go through transgender challenges.

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