

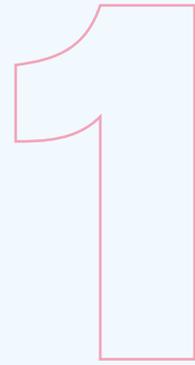
1

TRANS- INCLUSIVE CULTURE

Resources to support trans-inclusive practice for museums, galleries, archives and heritage organisations

GENERATING A TRANS-INCLUSIVE CULTURAL ORGANISATION:

A briefing note for senior management



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This resource has been developed by the University of Leicester's Research Centre for Museums and Galleries (RCMG) through a partnership of leading UK museums, galleries and heritage organisations and a team of experts in trans inclusion, equalities, law and ethics. The resources have been created to support a step change in the capacity and confidence of the UK's culture sector to advance trans inclusion as part of their commitments to inclusion for all.

More information about the partnership – supported by Art Fund, the national charity for museums and galleries, and the Economic and Social Research Council – can be found at transinclusiveculture.le.ac.uk

Disclaimer

Please note that this guidance is intended only as a starting point to assist relevant organisations in enhancing trans inclusion. Every effort has been made to ensure that it is correct from a legal standpoint. Readers must, however, be aware that it is pitched at a general level and it does not purport to offer a full account of the law. Readers are advised to, where necessary, take legal advice on the specific facts of their situation.

Note

Where the word “trans” is used in relation to legal duties, it is used synonymously with the term “gender reassignment” in section 7 of the Equality Act 2010.

Generating a trans-inclusive cultural organisation: A briefing note for senior management

Executive summary

This briefing note sets out how we can meet our legal and ethical obligations to advance trans inclusion as part of our organisation's commitment to inclusion and equity for all.

Key considerations

1. Why trans inclusion is important

Cultural organisations have a unique role to play in advancing inclusion. They are rare spaces in the public realm where we can manifest and model equity and inclusivity, where diverse citizens come together to explore and connect. By law, like all organisations, they must ensure work environments are free from all forms of discrimination, harassment, intimidation or bullying, and commit to providing equitable treatment to everyone they deal with.

In a climate where efforts to advance equity and inclusion for trans people are sometimes hampered by misinformation and polarised viewpoints, cultural organisations can play a vital and positive role. They can inform and enrich society's conversations in ways that build mutual respect and understanding between different groups.

Trans inclusion is one of the many areas of equalities work that organisations must take forward. It needs to be addressed in their EDI policies, organisational values, mission statements and strategic priorities.

2. Headline benefits of trans inclusion

- Generating a trans-inclusive organisational culture is an important part of better ensuring compliance with our legal obligations. It helps ensure safety, providing an environment in which trans staff (including volunteers and those applying to work) are treated with dignity and respect, and shown they are valued and supported.
- Embedding trans inclusion in our policies and practices signals to all staff, stakeholders, community partners and visitors that we are deeply committed to inclusion and equity for all.
- Having a trans-inclusive organisational culture also enables us to build trustful relationships with trans communities and external stakeholders.

3. The legal framework

It is important to recognise that law does not provide us with all the answers, and that we benefit from other perspectives and expertise to take forward our commitment to providing an inclusive culture and working environment. As the High Court recently reminded us in *R (Good Law Project and Others) v EHRC*¹, the law often acts as a baseline: It mandates certain basic requirements in respect of protected classes but it does not prohibit organisations from going further to advance equality. An organisation's moral or ethical obligations may, therefore, go beyond its legal obligations.

Nevertheless, we do have legal responsibilities and omitting to fulfil those creates risk of complaints and successful legal claims. This also potentially risks reputational damage, particularly when an organisation's identity and core principles are founded upon inclusion and ensuring that everyone is welcomed and treated with respect.

PROTECTIONS FROM UNLAWFUL DISCRIMINATION

The Equality Act 2010 ('the Equality Act' or 'the Act') protects trans people from discrimination, harassment and victimisation during all stages of their working relationship with an organisation, including in relation to recruitment, terms and conditions, promotions, transfers, dismissals, and training.

The high-profile ruling from the Supreme Court, *For Women Scotland Ltd v Scottish Ministers* [2025] UKSC 16 does not remove protections from unlawful discrimination available to trans people under the Equality Act.

VICARIOUS LIABILITY BY ORGANISATION

For the purposes of the Act, anything done by an employee in the course of employment is treated as having also been done by the employer, regardless of whether the employee's acts were done with an employer's knowledge or approval (section 109). So, organisations can be "vicariously liable" for unlawful discrimination or harassment committed by an employee.

However, a defence is available - when an employer can show that it took all reasonable steps to prevent employees from doing the unlawful discriminatory act (section 109(4)).

Caselaw on this defence, and guidance from the Equality and Human Rights Commission² is clear that reasonable steps at a minimum usually include:

- Having and implementing an appropriate equal opportunities or diversity, equity and inclusion (DEI) policy, and an anti-harassment and bullying policy.
- Making all employees aware of those policies and their implications.
- Providing adequate training to all staff on equal opportunities and discrimination, and how those policies are applied in practice. Managers and supervisors should receive additional training in identifying and handling equal opportunities and harassment issues.
- Regularly reviewing those policies and, when appropriate, keeping them updated.

¹ [2026] EWHC 279 (Admin)

² <https://www.equalityhumanrights.com/sites/default/files/employercode.pdf>

- Taking steps to deal effectively with complaints, including taking appropriate disciplinary action. Any initiatives or suggestions proposed to remove or end acts or omissions which amount to unlawful discrimination should be considered and acted on by an organisation if it would be reasonable to do so.

A box-ticking exercise, which does not adequately address issues known to exist in the workplace (for example, introducing a ‘boilerplate’ policy that does not appropriately cover situations arising in an organisation, or omitting to provide training on it, or ensure there is understanding and awareness of the policy) would not be sufficient in order to rely on the ‘all reasonable steps’ defence. Organisations can rarely successfully defend claims of unlawful discrimination by arguing individual staff members are responsible, when the organisation has taken no reasonable steps to prevent it.

PUBLIC SECTOR EQUALITY DUTY

Included also in the Equality Act is what is known as the Public Sector Equality Duty (s.149). This requires public sector organisations in England, Scotland and Wales to have due regard to the need to advance equality of opportunity for all with characteristics protected by the Act. Organisations have a legal responsibility to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- advance equality of opportunity for those with protected characteristics and others who do not share them;
- foster good relations between those groups.

4. What this means in practice

- Organisations cannot unlawfully discriminate against trans people.
- We need to set out an approach to gender identity, the prohibition of discrimination at work because of gender identity, and the support that we make available to those who transition at work.
- Meeting those obligations does not override responsibilities towards other individuals and groups under the Equality Act. We must ensure all people receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.
- There may be some who hold beliefs which conflict, and organisations should not stifle those. However, there are baseline behaviours with which everyone is required to comply. We have a responsibility to provide guidance and support for staff to achieve a safe place of work, where they are not subjected to unlawful discrimination, such as harassment.
- Freedom of religion, belief and expression are cornerstones of inclusive practices. But an individual’s exercise of those rights does not make harassment or discrimination lawful.

- Our commitment to trans inclusion should be clearly stated in all relevant equity and inclusion policies.
- These steps help us to meet our obligations as an employer, and also under the Public Sector Equality Duty.
- Broadening this approach to encompass how we provide services to visitors and partner organisations further enables us to advance equality of opportunity, and fulfil the Public Sector Equality Duty.

5. Best Practice across the Sector

The Research Centre for Museums and Galleries (RCMG) at the University of Leicester has worked with leading legal, ethical and trans inclusion experts to create *Trans-Inclusive Culture – guidance on advancing trans inclusion for museums, galleries, archives and heritage organisations*. A partnership of cultural organisations across the UK has co-produced a suite of practical resources to accompany this guidance and support organisations to develop their trans-inclusive practice. The guidance and resources are backed by leading sector support organisations across the UK, including Museums Association, National Museums Directors' Council, Museums and Galleries Scotland, International Council of Museums UK, Art Fund and the Association of Leading Visitor Attractions.

6. How can we better achieve legal compliance and trans inclusion?

As mentioned above, we need to set out an approach to gender identity, the prohibition of discrimination at work because of gender identity, and the support that we make available to those who transition at work. Our commitment to trans inclusion should be clearly stated in all relevant equity and inclusion policies.

Leadership and senior managers have a vital role to play modelling inclusive practice and helping to ensure trans inclusion advances as part of our organisational commitment to inclusion for all. Best practice resources are already available, as explained, to provide information and useful practical guidance appropriate to our sector when needed.

Ensuring trans inclusion must include commitment;

- to build understanding and support for trans inclusion amongst staff and volunteers, governing bodies and stakeholders;
- to visibly promote diversity, equality and inclusion efforts, and openly communicate about this (for example through formal statements, in meetings, bulletins and newsletters, staff handbooks).

This commitment involves recognising from the outset that some people inside and outside the organisation have beliefs and views which do not align and conflict with our own. It will be important to anticipate and prepare for challenges, and to defend our organisation's commitment to trans inclusion, on occasion in the face of complaints and protests, by explaining clearly how this is a fundamental part of our commitment to diversity, equity and inclusion, ensuring all are welcomed and treated with dignity and respect.

Leadership will need to uphold and demonstrate commitment, not only to model inclusive behaviour, but also to ensure we can develop trust by those individuals who have experienced unlawful discrimination and also by our community partners.

Doing so will build and help strengthen a supportive, inclusive culture for everyone working in our organisation. It is also likely to impact positively on how we work with community partners, and how we are perceived more widely in the cultural sector locally as well as nationally, as an organisation with integrity, and a genuine ethical commitment to embracing diversity.

* * *

- Information about EDI lead in the organisation: [Insert]
- Links to EDI Policy, Dignity at Work Policy, or any other relevant organisation document [Insert]