



# Stronger Together:

Guidance for women's services  
on the inclusion of  
transgender women





Whilst we tried to ensure that a wide range of individual and service opinions about this guidance were sought prior to its release, we recognise that improvements can always be made. We would therefore be grateful to receive any comments or suggestions for the development of this guidance.

We aim to produce a revised edition of this guidance in 2012 which includes the feedback we gain. Comments, suggestions, or questions should be directed to the Tayside Violence Against Women Training Consortium or the LGBT Domestic Abuse Project.



## Introduction and Acknowledgements

The Tayside Violence Against Women Training Consortium was established in 2006 by the Angus Partnership on Domestic Abuse (now Angus Violence Against Women Partnership), the Perth and Kinross Domestic Abuse Forum (now Perth and Kinross Violence Against Women Partnership) and the Dundee Domestic Abuse Forum (now Dundee Violence Against Women Partnership). The consortium aims to identify commonality of training need across the region, and to plan and provide training to meet these needs where possible.

In 2009 we first identified our lack of experience and knowledge to work affirmingly and knowledgeably to meet the needs of transgender women experiencing violence within intimate relationships. This guidance was born of the wish to develop and improve our own capacity, and that of the services with whom we work, to provide a respectful and positive response to all women approaching services in Tayside.

In 2010 the Tayside Violence Against Women Training consortium started working with the LGBT Domestic Abuse Project to develop a national resource for single-sex services. The LGBT Domestic Abuse Project is funded by the Scottish Government to raise awareness and improve service responses to Lesbian, Gay, Bisexual and Transgender people who experience domestic abuse. The project aims to ensure that LGBT people who experience gender based violence will receive a positive service wherever they access support. It is managed by LGBT Youth Scotland and focuses on the experiences of people of all ages.

Research looking specifically at transgender people's experiences of domestic abuse found not only high levels of abuse experienced by trans people, but also a fear that services would be unwilling or unable to support them (Roch et al. 2010). We believe that all women should receive the most appropriate and positive response if they access a service. We hope that this guide allows organisations to develop their service to ensure that transgender people receive the service that they need and deserve.

The guidance has been prepared to go along with training, however we hope that it is still useful as a standalone document. The document is split into two sections:

1. guidance on working with transgender service users
2. guidance on employment of transgender staff

Whilst much of the guidance included in this document can be applied to the inclusion of all transgender women, the guidance predominantly draws upon the Equality Act (2010). Within this Act, only transsexual people are explicitly protected - that is, people who are proposing to undergo, are undergoing or have undergone the process of changing their sex permanently and therefore have the protected characteristic of gender reassignment. For this reason, much of the guidance relates to transsexual women, rather than cross-dressing women, women who identify as androgynous or polygender, or other women whose gender identities are included in the term 'transgender'. We urge practitioners and services to recognise this focus on transsexual women as the result of the limited legislation available, and to recognise the equal need for recognition in employment and service provision of non-transsexual transgender women.

Our journey in developing this guidance has been greatly supported by a good many people, to whom we owe a debt of gratitude. Staff at LGBT Youth Scotland offered invaluable advice, including support with the drafting of the guidance and with the training package following the guidance. In particular, Mhairi Logan offered direction about both policy and practice which improved the end guidance immeasurably, and Amanda Turner compiled the service directory found at the rear of this guidance. Nel Whiting of Scottish Women's Aid gave kind permission for us to reproduce pieces of her own work, and offered constructive comments on parts of the guidance. Caroline Burrell of the Edinburgh Rape and Sexual Abuse Centre gave her time to meet with us, and to share her own experience of developing her service to meet the needs of transgender people. James Morton of the Scottish Transgender Alliance at the Equality Network kindly gave permission for us to reproduce pieces of his own writing within this guidance - you will see these cited throughout. Jane Clarke of the Equality and Human Rights Commission (EHRC) helpline remained on hand to help guide us through many legal aspects of providing services for and with transgender people, and assisted us to draft guidance that followed not only the letter, but also the spirit of legislation designed to protect and promote the rights of transgender people. The EHRC also allowed us to incorporate part of their guidance from 'Meeting the Gender Duty for Transsexual staff (2007) to our Terminology section. Katherine Laidley at Dundee City Council patiently designed and formatted the guidance to make it as accessible as possible for the reader.

Most importantly, we wish to acknowledge and express our gratitude to those who have contributed from personal experience to make this a useful resource for agencies. We are particularly indebted to those at T Time at the LGBT Centre for Health and Wellbeing who gave their time to discuss our suggestions for services.

We are aware that producing this guidance is only the very first step in our journey to support services to provide best practice to all women. Whilst this guidance does not cover all of the issues faced by transgender people in accessing positive services, we hope that it will prove useful for agencies in considering their current provision.

**Sarah Watts**

Tayside Violence Against Women Training Consortium

**Amy Roch**

LGBT Domestic Abuse Project  
LGBT Youth Scotland

Summer, 2011

## Contents

### Introduction

What do we mean by transgender?.....	page 4
Section 1: Service Users: Questions in practice.....	page 7
Section 2: Employers and employees: Questions in practice.....	page 15
Appendix 1: Terminology.....	page 21
Appendix 2: Relevant legislation.....	page 23
Appendix 3: Checklist for services.....	page 26
Appendix 4: Good practice monitoring at initial meeting.....	page 28
Appendix 5: Good practice for websites and advertising.....	page 29
Appendix 6: Contacts and further information.....	page 30



## What do we mean by transgender?

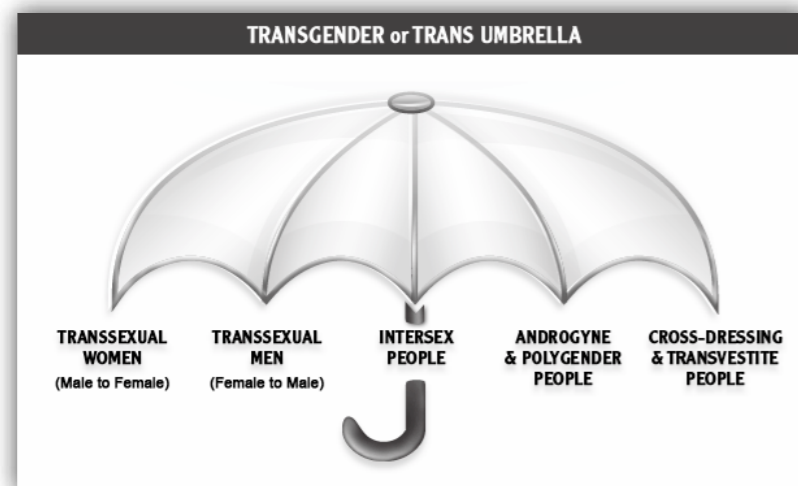
This section explains who we are talking about when we use the term 'transgender', or 'trans'. You may be unfamiliar with some of the words and expressions that we use throughout this guidance. We have provided a glossary of the words that we use at the back of the booklet, but we also try to explain what we mean as clearly as possible when we use each term.

One difficulty that we sometimes have in understanding people's gender identity is that we can get caught up in thinking about our bodies as representative of our gender. Whilst we can use our bodies to 'perform' our gender identity, by making certain mannerisms, or by dressing a particular way, our body will not necessarily represent our own personal **gender identity** (the gender with which we internally identify). Sometimes people try to understand and identify other people's gender by their appearance, or how they present to us (**gender expression**). It is important to separate identity, which is about our internal senses, from our external appearance when thinking about gender. Throughout this booklet, we will talk about people's **gender identity**, which may or may not 'match up' with that person's external appearance or gender roles that they perform.

Another challenge that we can have is that we can get tied up by thinking about gender as something that is **binary** - that we can be either men or women, and that we will identify solely as one of these genders at all times. This does not represent how many people feel about their own gender identity. Some people identify as a man, or as a woman. Some people identify as both of these genders. Others might identify as neither a man, nor a woman, but hold another gender identity entirely. It is probably more helpful to think in terms of a spectrum of gender identities, rather than a selection of pre-defined options.

For some of us, our gender identity might feel fixed and unchanging. Some of us might feel that our gender identity is not rigidly fixed, but changes across our lifespan. Some of us might give very little, or no, thought to our own gender identity. On the whole, not thinking about one's gender identity is a privilege available only to non-trans people, whose gender identity need often not be thought of, and is not challenged or stigmatised by society.

In Scotland, the term **transgender**, or **trans**, is often used as an 'umbrella' term to cover the many ways in which people might refer to gender identities which differ from those assumed and expected by society (see diagram below). We also recognise that people may identify differently at different times in their lives and in different circumstances.



© Diagrams copyright Scottish Transgender Alliance 2008 - 2009

## The journey of acquired gender and transitioning

To help practitioners with less transgender knowledge or experience to understand what journey a transsexual woman may make, it might be useful to think of the choices that she may make with respect to the acquisition and performance of her gender.

Women who identify as transsexual (women that were born biologically male) may have identified quite early in life that they felt as if their gender identity did not match with either their sexed body, or with the gender expectations that others made of them. Some women may have identified this feeling rather later. Some people have not hear the word 'transsexual' or 'transgender' until they are into adulthood, and at that point may or may not identify with that term.

For people who identify as transsexual, some will feel that they wish to live in the gender with which they identify (**acquired gender**, - this process is known as **transitioning**), others may not feel safe enough or supported enough to do this. Some people who want to transition may want to change the clothing that they wear to match more closely with their own sense of their gender identity. They may do this for some of the time, or full-time. This may be all that this person wants to do, and that this feels sufficient for their own identity. Some people may want to seek hormone therapy to help them to alter their bodies to reflect their identity better. Others still will feel that it is important to have surgery in order for their bodies to align to their own gender identity. It is vital that service providers respect and recognise people's own gender identity, for example, by using appropriate pronouns and treating people according to their acquired gender.

Some transsexual people wish to receive a GRC - a **Gender Recognition Certificate** - which allows application for a corrected birth certificate which shows the acquired gender. To qualify for a GRC, transsexual people must live full-time in their acquired gender for two years. This is called RLE, or **Real Life Experience**. This requirement can present a range of difficulties for people. Living full-time in one's acquired gender requires telling everyone in one's day to day life, including employers, colleagues and family. The period of transitioning is the period in which most people who transition experience heightened abuse and discrimination. The abuse experienced can be one very strong reason for some people to feel that they cannot transition full-time, dressing and presenting in - for example - their workplace in their born gender, rather than their identified gender. It may not feel safe for someone to transition full time in all their lived environments. As well as difficulties and barriers to acquiring a GRC, there are some reasons why not all transitioned trans people will want a GRC. For example, if married, you are required to obtain a divorce before you can get a GRC as same-sex marriage is currently illegal in the UK. Equally, if civil-partnered, one must dissolve this partnership in order to acquire a GRC. We will talk a little more about the Gender Recognition Certificate later on, when we discuss use of and employment in single-sex services.

It is worth thinking about transition as not an absolute, but as a process. The end point of that process, for an individual, may be acquiring a GRC, may be about being accepted full time as the gender with which one identifies in day to day life, or may be some other point.

As you will be beginning to appreciate, the range of experiences and possible needs of individual trans people makes it difficult to offer a guidance booklet which would cover every person's experience. It is not possible to offer specific guidance for supporting people whose identities and needs cannot be homogenised. However this is the same as with any non-trans individual who approaches your service. We hope that this 'journey' of possibilities explains some of the experiences that some trans people will have. We hope that you feel encouraged to think of gender identity as a broad spectrum of identities and expressions, as well as supporting you to think about how to ensure that trans people and their identities are respected in your service.

### Including trans men and non-gender binary people in your service

Many of the services available for people who experience gender based violence (GBV) in Scotland are for women only. This means that for many trans people, including trans men, and people whose gender identity does not fit into binary ideas of 'male' or 'female', there are not safe and appropriate services available, despite the high levels of GBV that transgender people experience.

Many transgender men or non-gender binary people would feel uncomfortable accessing a women-only service because it would be undermining of their gender identity. Additionally they may feel that the service would not be able to meet their needs. It is the view of the authors of this guidance that appropriate, respectful service provision for transgender men is required, and should be funded. At the point of publication of this guidance, one of the authors (Amy Roch) is commencing research to identify gaps in provision for gay, bisexual and transgender men experiencing domestic abuse. 'In the absence of such provision, we acknowledge that some transgender men experiencing sexual assault or domestic abuse may feel that a women's service is the safest, or only, place to seek support. This reflects a gap in provision, rather than any reflection upon the commitment of trans men to live fully in their acquired gender. Provision of service to trans men by women's services is, quite rightly, a matter for fuller discussion. Whilst this is beyond the scope of this guidance, we note that Edinburgh Women's Rape and Sexual Abuse Centre developed a model of service provision which strives to support the unmet needs of transgender people in Edinburgh, offering a transgender men's group on a different floor of the building, at different times to provision for women using the service.

Although this guidance focuses specifically on transgender women's use of services, we would encourage services to look at ways that they could include all transgender people within their services to ensure that all transgender people who experience GBV get the support that they need and deserve. Services would need to ensure that the reason for this provision is made clear within their policies, and that staff are clear about why this policy was in place. Additionally, staff should make themselves aware of what external service provision (if any) is locally available to transgender men and non-gender binary people.

## Section 1 - Service Users: Questions in practice

*We've got a long way to go towards being inclusive of all women. In Violence Against Women services we spend lots of time promoting to outside services about how they should be non-judgemental about women in respect of their domestic abuse, but we can be really bad at making our own judgements in relation to other aspects of women's lives.*

*Senior worker, Dundee*

*We know that coming to Violence Against Women services must be scary, and the last thing we want is to do something that makes things worse for women. We just want to know what we should do to help.*

*Development worker, Dundee*

This section focuses on information which workers and managers may find helpful to think about in respect of service provision to trans women. The information is arranged in a 'question and answer' format, which we hope helps make the guidance accessible. The questions were mainly identified by asking workers and service managers providing women-only services, and those providing mainstream services, what they would like to know if they could ask anything about transgender women and provision of services. The questions are replicated here as phrased.

Many of the questions posed refer to service provision for transsexual women. Where this is so, the 'answers' provided here refer the reader directly to relevant legislation available for the protection of transsexual women. A fuller explanation of the legislation we refer to is offered in appendix 2 to the guidance. Other questions relate more generally to all transgender women. In providing responses to these questions, reference has been made to legislation available for transsexual women. However, it must be remembered that this protection, for example the Gender Recognition Act (2004) and the Equality Act (2010), applies only to transsexual people, and therefore does not include non-transsexual transgender women. In such circumstances we recommend that services extend the spirit of the law, where the letter of the law is lacking.

**Is it true that women's only agencies are legally obliged to offer services to all trans women in possession of a GRC (gender recognition certificate)? Does that mean that services which refuse to provide a service to that woman are breaking the law?**

Yes.

It is unlawful to treat someone worse than others because they have a protected characteristic (as identified within the Equality Act 2010), in this case gender reassignment. It would therefore not be acceptable to refuse to provide a service to a transgender woman. However, just as a service would not provide exactly the same service to all non-transgender women, the service should provide the best response dependent on the individual. Services

should aim to offer the 'least-discriminatory service', which means taking into account the needs and feelings of any individual, and any possible discrimination or risk to safety they face by that provision.

**Legal bit:** Equality Act 2010

A good document which helps to make clear public authority duty to transgender people is the EHRC (2010) *Provision of goods, facilities and services to trans people: Guidance for Public Authorities in Meeting Your Equality Duties and Human Rights Obligations*. This document relates to all services which are fully or part public funded, or receiving grants from public funds.

**What about provision of services to women who identify as female, but who are in the process of transitioning and don't hold a GRC?**

Any woman who 'intends to undergo, is undergoing or has undergone gender reassignment' is entitled to service provision. Services can be offered to women in many different ways, ranging from dispersed accommodation refuge provision, if that is appropriate, to outreach community support.

It is helpful to think from a position of who can be *included* in service provision, and in what way, rather than starting from the point of who would be automatically excluded from service provision. Whereas some people may seek a Gender Recognition Certificate (GRC) as part of a transition process, other people may choose not to, or not be able to acquire a GRC. A GRC does not require someone to have hormone treatment or surgery and often people's ability to be recognised as their true gender has little to do with either surgeries or a GRC. It is therefore unhelpful to think about where someone is in their 'transition', but rather to provide a service based on the gender that someone identifies as. Doing this will assist you in providing a positive response to transgender service users and will also ensure that you are complying with legal requirements.

**Legal bit:** The Equality Act 2010

The Equality Act (2010) extended previous legislation to protect someone against discrimination who is undergoing, intends to undergo or has undergone gender reassignment. These protections include all people who have identified that they are planning on permanently changing their sex, not just people who have a GRC, or have undergone medical procedures. This is known as the 'gender reassignment protected characteristic', and is one of the nine new protected characteristics identified in the Act. The additional protections extend recognition of different types of discrimination which people with protected characteristics might experience to include 'harassment by a third party' and 'indirect discrimination'. Furthermore, the Act includes 'discrimination by perception' (direct discrimination against someone because others think they possess a protected characteristic) and 'associative discrimination' (direct discrimination against someone because they associate with another person who possesses a protected characteristic).



**Is it illegal to ask someone to show a GRC (gender recognition certificate) when offering a service? How about single sex services (i.e. - a woman's refuge service)? Does holding a GRC affect how we should offer a service?**

Yes, it is illegal to require a person to show a GRC before offering service. The certificate has no function in its own right, and exists only as a permission to the General Register Offices of England and Wales, and of Scotland, to correct an individual's birth certificate. Asking for evidence of someone's transgender status implies that the service user will be treated differently depending on this.

As stated in the EHRC's (2010) *Provision of goods, facilities and services to trans people*:

'Some trans people may apply for a Gender Recognition Certificate but many prefer not to do so for various reasons. Some organisations may mistakenly believe that they are not supposed to change their records to show a trans person's new name and appropriate title (Mr, Miss, etc) until they have obtained a Gender Recognition Certificate. This is incorrect and in most cases would constitute discrimination. Furthermore, nobody is entitled to see or record the details of a Gender Recognition Certificate. If a public authority needs proof of a trans person's legal gender then only the birth certificate should be requested. The Gender Recognition Certificate (GRC) exists only for the Gender Recognition Panel to instruct the Registrar of Births to make a new entry in their register, from which a birth certificate can be drawn. The document states clearly that it has no other purpose.'

In practical terms, it is worth thinking about how a policy which required sight of a GRC could possibly be operated - who (and why) would a service decide to ask for a GRC? There is no possible way of doing this in a non-discriminatory way without asking everyone whether they have a GRC, and even so, this would not imply that discrimination would not have taken place.

**Legal bit:** Equality Act 2010

**Is it legal to ask someone about their gender identity when assessing for access to single-sex services?**

Service providers need to think about why they require this information, what the purpose of the information is, and what they intend to do with it. It is illegal to treat someone differently on the basis of a protected characteristic, and therefore asking someone would clearly indicate that you might treat that service user differently as a result.

Ideally, services want to foster an ethos and environment in which service users feel able and comfortable to disclose their gender identity. Properly phrased questions on intake can be used, but these should not be compulsory, should be confidential, and asked of all service users. It should be made clear on any form asking questions about gender what you intend to do with that information, who else will see the information, and the purpose of the information.

Good practice would be to not ask at all, but to make it clear that your service is transgender inclusive.

### But what if a person approaches the service, and I'm not sure of their gender identity?

Non-trans women have available to them a wide range of possible expressions of their female gender. Such women may choose to appear in a very 'feminine' way, or to dress in a more androgynous or 'masculine' way, experimenting with their expression of their female gender. Irrespective of how non-trans women choose to express their gender, such women generally are not challenged on their 'femaleness'. The right to present one's gender in an ambiguous manner is usually significantly more limited for trans-women, who may feel compelled to present only with a very typically 'feminine' appearance. This can be due to the demands of the Real Life Experience period (RLE), in which transsexual women are expected to demonstrate commitment to their acquired gender by presenting unambiguously 'feminine' at all times, limiting gender expression to a binary option. As a result, it is rather less likely than staff may think that a trans-woman's gender will be not explicit.

If a person is accessing a women-only service, wearing clothing typically associated with women and using a feminine name it is likely that they identify as female. Many transgender women will mark their transition by beginning to use a typically female name. This can be one way to recognise someone's gender. Some women may present more ambiguously, using a name which is typically used by both genders (Lee, Leslie, Stevie etc).

If practitioners are in any doubt as to someone's gender identity, they should ask.

### How should I speak with women about their gender identity?

The EHRC recommends public authorities ask transgender people which pronoun they would like you to use:

*'A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be referred to using the pronouns appropriate for that gender.'*

*'If it is not possible to ask the person which pronoun he or she prefers, use the pronoun that is consistent with the person's appearance and gender expression. For example, if the person wears a dress and uses the name "Susan," feminine pronouns are appropriate.'*

If you accidentally use the wrong pronoun simply apologise and continue the conversation. A prolonged explanation or justification may make someone feel more uncomfortable. Making a mistake happens, however, if you purposely continue to use the wrong pronouns or refuse to identify someone as the gender they identify as this would be seen as discriminatory.

### What if our new resident is only living in her new gender part of the time?

There are many reasons why people might present differently in different situations, at different times. The period of obvious physical transition is the period at which trans people are most likely to experience transphobia, and may be particularly aware of their personal

safety. Trans women may feel that they need to present in the gender they were assigned at birth in circumstances such as travelling, and at work, but feel safe enough to present in their acquired gender at home, or in refuge.

This is no indicator of someone's commitment to their period of transition, and should not be seen as such. The important thing to do is to recognise that there are many reasons why people cannot transition full-time, and to ask her what you can do to make her feel most safe.

An additional possibility may be that your new resident may not identify within a binary of gender, and may identify as predominantly female, but may wish to express other facets of her gender identity as well.

### What about funding? How could we provide service to a woman whose birth certificate may identify her as male?

If you are concerned about this you should approach your funders and discuss this issue directly with them. Remember that people's entitlement to receive basis is not dependent on them having a Gender Recognition Certificate or having had their birth certificate amended (see question 2). Your funders are bound by the same legal duties and responsibilities that services are, and therefore should be happy to accept any changes you wish to make to your services to ensure that the needs of trans people are met to the standard required by law. If you are making changes to your service that go beyond legal requirements then you should discuss these with your funders as well. It is very likely that they will see any changes that positively address equalities issues as being acceptable. You should prepare for these discussions by making sure that you are clear about the changes you want to make, the reasons you want to make these changes and the benefits to your services users you expect these changes will achieve. You might also want to think in advance about how these changes add value to the agreements you already have in place with your funders.

### How should we refer to and record details of our service user in our files?

Transsexual people don't need to show a GRC (Gender Recognition Certificate) in order to change over the name and gender on their day-to-day documents and records - including for refuge and support services. Indeed, as it is necessary to live fully in the acquired gender for at least 2 years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow this change in name and gendered title at the start of an individual's gender reassignment process would unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and would therefore be discriminatory.

This means that as soon as your service user advises you of her gender, you must refer to her and document details of her as such in your records. It is not usually necessary to record any details of someone's transgender history or status in records, and this would only be done

for specific support reasons with the full permission of the service user. This information must be treated as strictly confidential, and services must show that they have ascertained that the fewest possible relevant people will come into contact with this information.

**Legal bit:** Gender Recognition Act 2004  
The Equality Act 2010

**Is it legal to refuse a service to a woman with a transgender history if it would make other service users uncomfortable?**

The Equality Act (2010) has not changed the law on this. People who provide separate and single-sex services, such as refuges, can only provide a different service or refuse a service to transsexual women service user under exceptional circumstances and these circumstances depend on the facts of the case - this means that 'blanket' bans or policies barring people from accessing services are not acceptable.

Discrimination against transsexual people is not acceptable and therefore the bar for a service provider to discriminate in this way is very high – the use of the exception has to be exceptional. Decisions made cannot be based on personal prejudice but on evidence of detriment to others, and even then the provider will need to show that a less discriminatory way to achieve the objective was not available.

In the circumstance that other service users say that they are uncomfortable sharing a service with a trans woman, this is rightly seen as no reason for the trans woman to be moved. The service has to make any decision about provision based on good practice rather than prejudice. In this situation, we would work to educate other service users - much in the same way that we would if we received comments regarding other service user's ethnicity, religious affiliation or sexual orientation.

Difficulties for newly arriving service users could be prevented through some proactive measures. For example, the intake procedure at some women's refuges includes informing new residents of the following: "We house many different women here. We welcome women of different races, different religions, women with mental health issues, lesbian and bisexual women, and transgender women." This discussion would be held irrespective of whether any trans people were in the service at that point.

**Legal bit:** The Equality Act 2010

**Should we talk to other women that use the service to let them know that a transgender woman will be joining us?**

This information would only be shared following consultation with the trans service user regarding their own safety and comfort, and would not be legal to do without explicit consent from the service user.

**Legal bit:** Gender Recognition Act (2004)

Once a person (who has been living in their new gender for over two years) applies for a Gender Recognition Certificate, they gain additional privacy protections under the Gender Recognition Act 2004. Section 22 of the Gender Recognition Act 2004 makes it a **criminal offence**, with a substantial fine on conviction, for any person to inappropriately disclose information which they have acquired in an official capacity about an individual's application for a Gender Recognition Certificate, or about the gender history of a successful applicant. If a person has a Gender Recognition Certificate or it could be assumed they might have a Gender Recognition Certificate (for example they have been living permanently in their acquired gender for at least two years), then this cannot normally be disclosed further in a way which identifies the person involved without that person's express consent or, more exceptionally, a specific order by a court or tribunal.

The Equality and Human Rights Commission's (2010) *Provision of goods, facilities and services to trans people* makes it clear that:

'The Gender Recognition Act 2004 defines any information relating to a transsexual person's gender recognition application as 'protected information'. It is a criminal offence, subject to a level 5 punishment which currently is up to £5,000 and/or up to six months in prison, for anyone acquiring this protected information in an 'official capacity' to disclose it to a third party without the transsexual person's consent. There are only a very few exceptions, for example if the information is specifically required by the third party for the prevention or investigation of a crime.'

**Are men likely to put on women's clothing to gain admittance to women's refuges?**

Sometimes women's refuges are concerned that abusive men will put on women's clothing to gain access to women's refuges. This concern doesn't match the experience of refuges that have adopted policies that accept transgender women. The authors of this guidance have never heard of a scenario like this happening and believe that it is extremely unlikely to occur. If this unlikely situation were to occur, we believe that intake staff would be able to immediately recognise that the person is not sincerely identifying as a woman who has experienced gender based violence: this would be integral to the broader risk management of abuser access to safe spaces.

**What should we do to support someone who is already using our service, who tells us that they are planning to transition to their male identity?**

Just as you would with any other service user who was telling you something personal to them, be supportive. The individual has probably been thinking about this for a long time, if not years and it is likely that he is disclosing this information to you because he feels safe and trusts you and the service.



Transition is a process and not something that happens over night, so you as the service provider and the service user do not need to make any decisions about the service provision straight away. However, when it is appropriate talk through the options that he has and what he would like to happen. Someone who identifies as a trans man may no longer feel comfortable accessing a service that is for women, so be informed about other options in the area and listen to how the service user feels and what they want and need.

It is important, however, to be aware of the limited support and particularly refuge accommodation available for men. Many trans men, especially men who are in the early stages of their transition may feel that a men's service or accommodation would not feel safe to them. It is therefore important to listen to the concerns and needs of the service user.

Could you still offer support, but in a different way? This could be done by offering individual, rather than group support or providing support in a different location. Or could your service think about providing a service to all transgender people, including trans men?

Throughout this process remember to speak positively and appropriately about the person's identity. Make sure that staff use appropriate pronouns and names and ensure that your service is a safe space for the service user.

#### Why are some people resistant to recognising trans women being included in the services that we provide to all women?

There are a number of reasons why some people fail to pro actively welcome all women to women's only services. One reason might be related to the historical struggle that many people have had when acquiring funding and recognition for the needs of women experiencing male violence. Such people think that including trans women in women's only services weakens the argument that women require women's only spaces in response to violence.

This position is based on a misunderstanding of the experience of trans women - a belief that trans women have experienced male privilege, and therefore have not experienced the gendered oppression faced by non-trans women in society. This is described well by Nel Whiting in an unpublished paper:

*The misconception that a trans woman is not a woman because of her biological sex goes against any argument we have about gender. Gender is socially constructed, it is not inevitable and does not go hand in hand with your biological sex. Transitioning is not something which happens overnight. A trans person will likely be aware of their gender identity from a young age thus feelings of not fitting in or being trapped in the wrong body may have been present for a number of years. This further discredits any argument around a trans woman being socialised as a man and the privilege they may have experienced while living their life as a man. A trans woman previous to transitioning will likely not have enjoyed any of the privileges of living as a man, being fully aware of their gender identity opposing perhaps their perceived gender and biological sex.*

## Section 2: Employers and Employees: Questions in practice

This section of the guidance focuses upon the recruitment and employment of transgender staff.

In most cases, the gender of an employee is of no relevance to their ability to do the job. Organisations which provide a single-sex service, recruiting typically only women, may need to inform themselves of their responsibilities and legal position with respect to the recruitment and support of trans employees.

As for guidance provided relating to provision for service users, this guidance refers to legislation which explicitly protects transsexual people. One more, we urge employers to recognise this focus on transsexual women as the result of the limited legislation available, and to recognise the equal need for recognition in employment of non-transsexual transgender women.

If an employer is in any doubt of their legal requirements with respect to employment of trans staff, may we recommend initial contact with the EHRC helpline on 0845 604 5510, LGBT Youth Scotland on 0141 552 7425 or the Scottish Transgender Alliance at [www.scottishtrans.org/Contact.aspx](http://www.scottishtrans.org/Contact.aspx)

#### Should I ask about people's gender history when we recruit for new staff?

It should not be expected that applicants and interviewees for employment would wish to disclose their transgender status or gender reassignment history. Many have experienced prejudice and harassment as a result of disclosure. It is not a question that should be asked at interview, as it is not a relevant criterion in selection.

There is no obligation for a person to disclose their transgender status or gender reassignment history as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment and non-disclosure or subsequent disclosure are not grounds for dismissal.

If Human Resources/Personnel departments or local administrators are informed of the individual's transgender status or gender reassignment history, they will not disclose this to the members of staff leading the recruitment, as this is not relevant information to the selection for the post. Disclosures of this nature to other staff will be dealt with in the same way as any other confidential personal disclosure.

#### What about our usual security checks and occupational health questionnaires?

The documents and forms used for security checks and medical screening will seek information that may lead to identification of a current transgender status or previous gender reassignment. This information will remain 'confidential' and the disclosure of this information will be restricted to those personnel involved in security and medical vetting procedures. Any subsequent paperwork that indicates the individual's transgender status or gender reassignment history will not be accessible to other personnel.

The spirit of the law would suggest that, similarly to following Disability Discrimination Guidance, if it is necessary to request documents which might identify someone's transgender status, this should be done only after conditional offer of a post.

Transgender people completing a disclosure form as part of the protecting vulnerable groups (PVG) scheme are not required to disclose their transgender identity to their employers. More information for transgender applicants can be found at: <http://www.disclosurescotland.co.uk/pdf/transgender-guidance.pdf>

### Can transsexual women work in women's only organisations?

Yes.

A person should not be discriminated against because they have, are currently, or intend to undergo gender reassignment and should be treated in accordance with the gender that they identify with. For this reason a transgender woman should be allowed to work in a women's only service. If someone has a gender recognition certificate then they must be treated in exactly the same as any other woman who is applying for a post in a single-sex service. As with service-users it is illegal to ask a trans woman to show a gender recognition certificate and they are under no obligation to tell an employer that they have a transgender identity or history. As with any other woman who is applying for a Genuine Occupational Qualification (GOQ) post, it is legal to ask to show that they are legally female (for example by showing a birth certificate). However, this should be asked of all women who are being offered a post to avoid discrimination.

There are only exceptional circumstances where this would not be the case. The Equality Act allows for two kinds of GOQ, one of which relates to gender reassignment. Applying a requirement not to be a transsexual person to a person with a GRC will only be objectively justified in exceptional circumstances. This may be the case, for example, in a job involving providing a service to vulnerable persons (e.g. abuse counselling), but should only be applied on a case-by-case basis and not on a blanket basis. This has yet to be tested in case law at the time that this guidance was printed.

**Legal bit:** Equality Act 2010

**Legal bit:** Fortnum v Suffolk County Council (ET 2000)

Ms Fortnum (a male to female transsexual woman) was employed as an assistant day care officer who was required to give occasional intimate personal care to male and female clients. In May 1999, the Council told her that she could no longer continue to provide this intimate personal care to one of the female clients. The tribunal considered that the Council's reliance on a genuine occupational qualification - that these services could not be provided effectively by someone undergoing gender reassignment (Section 7B(2)(d)) was problematic [in part because] there was no evidence to show that the Council had addressed the issue of whether or not the service could be provided effectively by Ms Fortnum. Her claim was successful.

### So can a women only service only employ a trans woman if she has a Gender Reassignment Certificate?

No.

The provisions within the Equality Act do not mean that women without a GRC cannot be employed, and each post should be considered to see whether it could be offered with or without adjustment to all women. A Genuine Occupational Qualification (GOQ) exists when the specific nature of a job, or duties attached to it, require it to be undertaken by members of one sex. There are certain exceptions relating to the legislation against discrimination on grounds of gender reassignment, regardless of whether or not someone has a GRC. As described above, these need to be objectively justified. This means that they you must be able to demonstrate that they are proportionate in order to achieve a legitimate aim.

**Legal bit:** Equality Act 2010.

### Should we record details about anyone's transsexual status?

Records maintained on the personnel file will not overtly refer to a previous name, and records made prior to name change should be updated if appropriate. Access to these records showing change of name and any other details associated with the individual's transgender status or gender reassignment history, such as records of absence for medical treatment in this connection, should be restricted to staff who "need to know." "Need to know" refers to those directly involved in the administration of a process, for example the Occupational Health, Human Resources and Pension administrators.

Once a person (who has been living in their new gender for over two years) applies for a Gender Recognition Certificate, they gain additional privacy protections under the Gender Recognition Act 2004. Section 22 of the Gender Recognition Act 2004 makes it a criminal offence, with a substantial fine on conviction, for any person to inappropriately disclose information which they have acquired in an official capacity about an individual's application for a Gender Recognition Certificate, or about the gender history of a successful applicant.

Transsexual people may choose voluntarily to disclose at a secondary level, for example, answering an equal opportunities questionnaire, or asking for support from a line manager. The individual to whom a disclosure is made should observe strict confidentiality; any further disclosure should only being made with the prior consent of the individual.

### What should I write if I request or complete a reference for my employee?

If giving or requesting a reference for someone moving to a new job, the reference should be in the name requested by the employee. It may sometimes be necessary for a transgender person to disclose a previous identity in order for references from past employers to be obtained. In these cases strict confidentiality and respect for dignity should be applied.

**Legal bit:** Employment Tribunal decision: X v Brighton and Hove City Council [2006/7].

In June 2007 the Brighton Employment Tribunal ordered Brighton and Hove City Council to pay compensation of £34,765.18 to a former employee, in a case supported by the Equal Opportunities Commission. In 2003 the teacher registered with a teacher recruitment agency in order to seek work and sought a reference from her previous manager at the Council. However she lost the opportunity to obtain work as a result of her previous manager revealing her change of gender to the recruitment agency, despite a request that this should not be disclosed. Her previous manager initially delayed responding to the request for a reference. When he did respond, he faxed a secret side memo that disclosed her former name, stated her previous gender, and referred to her as both 'he or she', 'him' and 'her'.

Gender Recognition Act 2004

### Should I tell other staff members that our new employee is transgender so that we can support her better?

Similarly to arrival of service users, it is against the law to share someone's transgender status without their consent in this circumstance.

**Legal bit:** Gender Recognition Act 2004

The Equality Act 2010

### What do I need to do to make sure that my employee does not experience discrimination in our organisation?

Bullying, harassment and discrimination are unfortunately common, and experienced by many transgender people.

Examples of discrimination:

- Refusing to promote as a result of trans status
- Refusing to support a member of staff who is transgender.
- Deliberately excluding a transgender person from non-work related activities (i.e. - staff night out etc)
- Verbally or physically threatening a transgender person.
- Sexual harassment of a transgender person.
- Revealing the transgender status of a person to others, either by disclosing information to individuals or groups – in other words, outing someone (note: this is also a criminal offence).
- Claiming ignorance or confusion about transgender issues in order to continue intentional abuse and discrimination.



The key to ensuring that a transgender person feels comfortable in their employment is to respect the choices and needs of the individual and recognise any form of discrimination or potential opportunities for discrimination.

It is important to understand that the employer is held liable in circumstances where the employer knows that the person has been subjected to such harassment on at least two other occasions (whether by the same or a different party) but has failed to take steps to prevent it. The Equality Act (2010) also makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. Again, employers are liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

The employer is liable when harassment is directed at their employees by service users, and must take steps to prevent this occurring.

**Legal bit:** Equality Act 2010 (only covers individuals who intend to live permanently in their reassigned gender).

Gender Recognition Act 2004

European Convention of Human Rights (article 14)

### What if one of my current employees advises that they wish for us to alter their records to reflect their new (male) gender?

Transsexual people don't need to show a GRC (Gender Recognition Certificate) in order to change over the name and gender on their day-to-day documents and records - including for refuge and support services. Indeed, as it is necessary to live fully in the acquired gender for at least 2 years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow this change in name and gendered title at the start of an individual's gender reassignment process would unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and would therefore be discriminatory.

This means that as soon as your employee advises you of his gender, you must refer to him and document details of him as such in your records. This information must be made strictly confidential, and services must show that they have ascertained that the fewest possible relevant staff have access to such records.

Sometimes employers of single-sex organisations who are new to thinking about employment of transsexual staff worry about how their employee might remain in the organisation post-transition. There are a number of points raised by this concern. First, it is useful to reconsider whether every post in your organisation must be filled by women. Legislation allows the employer to consider either dismissal of the person, or taking some other form of action, such as redeployment to a non-GOQ role. Are there enough women

to cover the parts of the service provision necessary? If so, can your employee be given pieces of work which are suitable for a male employee to undertake? If the employer does not feel that there is a suitable alternative role available, the employer must be able to show that a GOQ applies to that particular job, and that the way they have treated the individual is reasonable in all the circumstances. Even if a GOQ applies, there could still be unlawful discrimination if the employer behaves unreasonably.

An unpublished paper by Scottish Women's Aid offers useful guidance in such a circumstance:

*There will be at least a two year period between the person beginning gender reassignment and their legal sex changing by virtue of an application for a Gender Recognition Certificate (the point at which they would legally be unable to hold the GOQ post any longer). In addition, changes in physical appearance can take several months to become noticeable during the early stages of gender reassignment. Therefore, it would be likely to be considered unreasonable to simply immediately dismiss such an employee. Good practice would be to work collaboratively with the employee to mutually agree the timescale for their transition from female to male, recognising that this may include the option of continuing in the GOQ post while presenting in an androgynous manner for a period of weeks or months during the early stages of gender reassignment. The aim should be to support the employee in finding a new non-GOQ job so that they can ideally change jobs smoothly without the financial hardship associated with a period of unemployment.*

#### How do I make all the necessary changes for my employee for pay and tax purposes?

This web address [www.hmrc.gov.uk/payee/employees/changes/gender.htm](http://www.hmrc.gov.uk/payee/employees/changes/gender.htm) marks the page which explains the full process for employers to make changes to your employee's gender status with the HMRC, including raising a new tax code, recalculation of pension dates and NIC deductions.

#### Is my employee protected if they need to take a period of time off work in order to transition?

Under the Equality Act (2010), it continues to be unlawful discrimination to treat transsexual people less favourably for being absent from work for gender reassignment treatment than they would be treated if they were absent because they were ill or injured; or if they were absent for some other reason and it is not reasonable to be treated less well.

We do not specify a minimum or maximum time that employers should allow for treatment. If, however, the transsexual employee is absent for a long period, retirement on medical grounds may be considered in the same way as for any other person who is medically unfit for work.

This page reference may be useful for staff and employers:  
[www.lgbt.co.uk/legal/legislation/equality-act-2010.htm](http://www.lgbt.co.uk/legal/legislation/equality-act-2010.htm)

## Appendix 1 TERMINOLOGY

We recognise that service providers who are beginning to think about inclusion of transgender people may not be familiar with many of the terms used when discussing trans issues. Below is a list of some of the terms that you may come across.

Language can be an emotive issue, with different people feeling comfortable using different words and nouns to describe their gender identity or expression. It is therefore important to be respectful of the language that you use and ensure that trans service users are referred to using the language that they identify with.

**Sex:** this term refers to biological and anatomical characteristics, which can be defined as female, male or intersex.

**Gender:** The socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for one's sex.

**Gender identity:** a person's internal sense of where they exist in relation to being boys/men or girls/women.

**Gender expression:** a person's external gender-related clothing and behaviour (including interests and mannerisms).

**Sexual orientation:** is a term used to describe a person based on who they are emotionally and physically attracted to. For example, transsexual women can be described as straight if they are attracted to men, lesbian if they are attracted to women or bisexual if they are attracted to both men and women.

**Transgender (trans):** This is an umbrella term used to describe a whole range of diversity of gender identity and expression, including transsexual, intersex and cross-dresser.

**Transsexual:** this is a medical term used to describe people whose sex and gender do not match up. This means someone whose biological sex is female, but whose gender is male or someone whose biological sex is male, but whose gender is female. Transsexual people often feel like they were born in the wrong body. This can be extremely distressing. Many transsexual people have hormone treatment and surgery to align their sex with their gender. The term transsexualism is also known as gender identity disorder and gender dysphoria.

**Intersex:** this is a term used to describe people who are born with chromosomal anomalies or ambiguous genitalia. Intersex people are usually assigned a male or female gender as babies by medical staff. Sometimes this works and the person's gender identity matches their assigned gender, but sometimes intersex people can develop gender identity issues because they have been assigned the wrong gender. Some intersex people do not identify as male or female, but as intersex.

**Cross-dressing People:** This is a term used to describe people who dress, either occasionally or more regularly, in clothes associated with the opposite gender, as defined by socially accepted norms. Cross-dressing people are generally happy with the gender they were labelled at birth and do not want to permanently alter the physical characteristics of their bodies or change their legal gender. They may dress as the opposite gender for emotional satisfaction, erotic pleasure, or just because they feel more comfortable doing so. Cross-dressing men are sometimes referred to as transvestite men; however this is becoming an increasingly outdated term and may cause offence.

**Androgyne people:** This term refers to individuals whose gender identity does not confirm to traditional ideas of gender as a binary. They may therefore feel uncomfortable thinking of themselves as simply male or female (may also be referred to as polygender or third gender).

**LGBT:** This is the acronym used to talk about lesbian, gay, bisexual and transgender communities.

**Transphobia:** this term describes an irrational feeling of fear or hatred towards transgender women and men and could also describe discriminatory behaviour towards transgender people.

**Gender reassignment (transition):** is the term used to primarily describe when transgender people are moving from their assigned gender at birth to their current gender. For example a person undergoing gender realignment surgery may be described as being in gender transition. This may involve medical treatment in the form of hormones or surgical procedures.

**Gender Reassignment Certificate (GRC):** is a document that provides legal recognition of a transsexual person's acquired gender. It can be sought once someone has lived in their acquired gender for 2 years.



## Appendix 2 RELEVANT LEGISLATION

### Equality Act 2010

The primary purpose of the Act is to consolidate the complicated and numerous array of Acts and Regulations, which formed the basis of anti-discrimination law in Great Britain. This was, primarily, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

The Act overall expands protection for transsexual people – the requirement to be under medical supervision has been removed; protection from indirect discrimination has been introduced; protection against direct discrimination has been extended to cover situations where a person is treated less favourably because he or she is wrongly perceived to be transsexual, or because of his or her association with a transsexual person, for example, a relative or partner.

The Act also introduces a new public sector Equality Duty which covers gender reassignment in full, requiring public bodies to consider the need not only to eliminate discrimination but also to advance equality of opportunity for transsexual people. The Act does, however, offer the protected characteristic relating to gender reassignment to only people who intend to permanently live in the reassigned gender. This fails to account for people whose identity may not be fixed, or who may choose to not transition on a permanent basis for a variety of other reasons.

The Equality Act (2010): <http://www.legislation.gov.uk/ukpga/2010/15/contents>

### Equality Act 2006

The Equality Act 2006 amended the Sex Discrimination Act 1975 to place a statutory Gender Equality Duty on all public sector organisations, when carrying out their functions, to have due regard to the need: to eliminate unlawful discrimination and harassment; and to promote equality of opportunity between men and women. It places a responsibility on statutory services to pro-actively promote non-discriminatory practice, moving the focus away from an historic reactive complaints-orientated approach.

The Gender Equality Duty protects the rights of women (including male-to-female trans women) and men (including female-to-male trans men). The GED requires all public authorities within Great Britain, when carrying out all their functions, to have 'due regard' to the need:

- To eliminate unlawful discrimination and harassment on the grounds of sex
- To promote equality of opportunity between women and men.

As part of the Gender Equality Duty, public sector organisations are required to have due regard to the need to pro-actively eliminate discrimination and harassment in employment and vocational training, for people who intend to undergo, are undergoing or have undergone gender reassignment.

As suggested in Provision of Goods, Facilities and Services to Trans People, 'adopting a human rights approach to planning and delivering goods, facilities, and services to trans people will mean that public authorities will have to take appropriate steps to eliminate unlawful discrimination and harassment and to promote equality of opportunity for all trans people rather than only those people who 'intend to undergo, are undergoing or have undergone gender reassignment'.

Certain aspects of the Act have subsequently been repealed or subsumed within the Equality Act 2010.

*The Equality Act (2006):* <http://www.legislation.gov.uk/ukpga/2006/3/contents>

#### **Gender Recognition Act 2004**

The Gender Recognition Act 2004 gives legal recognition to transsexual people following a permanent change of gender and also gives them increased privacy protections. It sets out the process for individuals to apply for a Gender Recognition Certificate (GRC) after being assessed by a medical gender specialist doctor as having gender dysphoria (also referred to as transsexualism) and providing confirmation that they have been living full-time in their acquired gender for at least 2 years and intend to remain living in their acquired gender for the rest of their life. It is not necessary for someone to have undergone surgery to receive a full GRC. The Equality Act 2010 (as described above) has extended these provisions to remove the need for people to be under medical supervision to transition to their true gender identity.

Once a GRC is issued to a person, their legal sex/gender henceforth becomes for all purposes their acquired gender – including for marriage and civil partnership purposes and for employment in posts where a Genuine Occupational Qualification to be a particular sex/gender applies. People with a GRC can apply for a corrected birth certificate if their birth was registered in the UK. A person who has received a GRC is not required to show their GRC to others such as employers or service providers. It is not an identity document and will not be carried on the person. Trans people do not need to possess a Gender Recognition Certificate in order to change over their day-to-day documentation or to use facilities for their acquired gender. Indeed, as it is necessary to live fully in the acquired gender for at least 2 years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow these changes at the start of an individual's gender reassignment process would unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and consequently would be discriminatory.

The Engendered Penalties (2007) study revealed one of the challenges for the first years of implementation of the Gender Recognition Act:

The arrival of the Gender Recognition Act and certificate has added another layer of complication. For many years a whole range of institutions have routinely changed people's details on production of a doctor's note and a formal change of name. The Gender Recognition Act has confused this process. Many organisations, including universities, the police and health authorities now falsely claim that no change of name, gender or pronouns can be made without a gender recognition certificate. There

is a real need for government to provide an easily accessible point of information for employers and others to reinstate a simple process which had been in existence for many years.

Subsequent to this legislation, the Equality Act 2010 removed the requirement to be under medical supervision in protection from discrimination relating to gender reassignment.

The Gender Recognition Act 2004: <http://www.dca.gov.uk/constitution/transsex/legs.htm>

#### **The European Convention of Human Rights and Gender Reassignment**

The European Convention of Human Rights could also be invoked, e.g. Article 8, right to respect for private and family life, Article 10, freedom of expression, and Article 14, prohibition of discrimination (right not to be discriminated against in the enjoyment of other rights)



## Appendix 3 CHECKLIST FOR SERVICES:

The following checklist will allow you to track your progress to developing a safe and positive service for transgender service users. This is not exhaustive, but rather provides a guide to areas of your service to consider.

### Champion

- It can be useful for your organisation to nominate a champion for transgender inclusion within your service. This person can be the contact for other organisations to get more information, coordinate staff training and ongoing development.

### Policies

- Do you have policies that mention transgender people explicitly? Policies to check and develop may include:
  - Staff handbook
  - Equality and Diversity
  - Dignity at work, anti-bullying
  - Equal opportunities monitoring
  - Disciplinary/grievance procedures
  - Transition at work
  - Volunteer policy
- Services should also develop a clear transgender inclusion policy which sets out who they will provide a service for and what services they will provide.

### Training

Training is an excellent way in which to build the confidence of your team to improve practice on transgender issues and enable them to challenge discrimination. Including:

- All staff undertaking transgender awareness training, including administration and finance staff.
- Key staff undertaking further supporting transgender service user training.
- Internally staff should be provided with clear guidance on transgender policies as part of their induction training.

### Advertising

It is essential that your service includes transgender people. Ways to do this could include:

- A clear statement that you provide a service to transgender people on your website
- The inclusion of transgender people within information leaflets, flyers and other advertising.
- Displaying an LGBT Domestic Abuse Project poster or other relevant poster prominently within your service.
- Displaying a clear statement of who you provide a service to within your waiting room/reception.
- Gaining, and subsequently demonstrating, the charter mark on your website or leaflets (see below).

### Your Practice

- Ensure that initial assessment interviews include a questions that gives people the opportunity to discuss their transgender identity
- Ensure that monitoring forms are inclusive to transgender people and staff are aware of the related confidentiality issues (see monitoring section).
- Make links with local LGBT or transgender groups and organisations in your area.

### LGBT Charter Mark

Once these steps are completed your organisation is well on your way to being able to be accredited through the LGBT Charter of Rights process. Gaining this will enable you to clearly show that you provide a positive and appropriate service for all lesbian, gay, bisexual and transgender people. The LGBT Charter of Rights provides services with a clear way of advertising that they provide a positive and inclusive service to all LGBT people.

For more information on the LGBT Charter Mark process visit [www.lgbtyouth.org.uk/charter](http://www.lgbtyouth.org.uk/charter).

## Appendix 4: Good practice monitoring at initial meeting

Transgender people are often wary about revealing that they are transgender and may feel particularly uncomfortable about discussing their gender identity in person and may not feel able to answer a question relating to their gender identity directly.

*"I didn't want to tell any service providers about the relationship problems as explaining details would have required me to come out... I was worried service providers would be ignorant of trans identities and potentially even quite prejudiced."* –

*Out of Sight, Out of Mind?*

It may therefore be useful to include a statement within initial meetings that make it clear that you will respect all identities within your service and ask about different equality issues in an open-ended question.

For example,

At \_\_\_\_\_ we strive to ensure that we treat all service users, staff and volunteers with respect and provide a positive and safe space to access services and work in. We are aware that there may be additional barriers to accessing support for people who identify as being from one of the protected equality strands. These are:

- Age
- Disability
- Religion and Belief
- Gender
- Lesbian, Gay, Bisexual
- Transgender identity
- Race

Are there any of these that you believe would impact on you or the service that you receive that you would like to tell us about?

For a more detailed guide to transgender equality monitoring please see the Scottish Transgender Alliance 'Transgender Equality Monitoring Guide'. This can be found at <http://www.scottishtrans.org/Uploads/Resources/stamonitoringguidefeb09.pdf>.

## Appendix 5: Good practice for websites and advertising material

**As far as we know, no trans women have ever used our service even though we have advertised the service as open to 'all women'. What should we do to make the service more accessible?**

Advertising services as available to 'all women' makes assumptions of equality, presuming that all women will feel equally welcomed and equally able to access the service irrespective of background or identity. For many non-trans women, and for many workers whose own backgrounds have not prevented them approaching their service for employment, this kind of advertising may feel appropriate. It can feel confusing to understand that a statement of 'all women', a statement of attempted and intended inclusion, might be misinterpreted.

It can be difficult and upsetting for workers to recognise that many groups of women will have experienced such levels of hostility, disrespect, and lack of understanding, that advertising inviting 'all women' might not be enough to reassure potential service users of their reception. Some potential service users will need us to explicitly state that they will be welcomed, and more importantly, safe if they approach the service. For this reason, we need to express exactly who we mean when we talk of 'all women'.

Sometimes workers will identify lots of problems that they foresee with working this way. They imagine that by outlining individual groups of women, they might accidentally miss out one group, and thus exclude that group. There are a number of ways that we can address individual groups of women in our advertising (i.e. our websites and leaflets), and we have included some examples here.

*"We welcome service users and staff from all backgrounds including those with the protected characteristics as defined in the Equality Act 2010 of: religion, race, age, sex, gender identity, sexual orientation, pregnancy and maternity or disability. We actively seek to eliminate discrimination, harassment or victimisation on any of these grounds, and to ensure that staff, visitors and service users feel safe, welcomed, valued, included and respected"*

Another way to ensure that different groups of women, including trans women, feel included and welcomed by the service is to look at representing different groups within the website. This may be done by pictures or images (where appropriate), by anonymised quotes from service users (including trans women), or by having a webpage with relevant information which may appeal to different groups of women. Additionally, links to other relevant sites, including sites which provide transgender support, will show trans women that you are aware that they may wish to use your service. Another way still to show support may be to work towards, and place the LGBT Youth Scotland Charter mark on your website - this will show LGBT service users that you have gone through a process of learning and improvement, and are trying to make your service safe and welcoming.



## Appendix 6: CONTACTS AND FURTHER INFORMATION:

### General information:

#### **LGBT Domestic Abuse Project LGBT Youth Scotland**

[www.lgbtdomesticabuse.org.uk](http://www.lgbtdomesticabuse.org.uk)  
0141 552 7425

Provides information for LGBT people who are experiencing domestic abuse and service providers.

#### **LGBT Youth Scotland**

[www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)

Scotland's largest youth and community-based lesbian, gay, bisexual and transgender (LGBT) organisation.

#### **Scottish Transgender Alliance**

[www.scottishtrans.org](http://www.scottishtrans.org)

30 Bernard Street, Edinburgh, EH6 6PR

This website offers guidance to service providers and employers on transgender equality issues and good practice in Scotland.

#### **Equality Network**

<http://www.equality-network.org/Equality/website.nsf/home?OpenForm>

The Equality Network works for lesbian, gay, bisexual and transgender (LGBT) equality and human rights in Scotland.

#### **GIRES**

<http://www.gires.org.uk>

A resource for Gender dysphoric people and their families; medical and other professionals who provide their care; Health Authorities; Members of parliament and other policy makers.

#### **Equality And Human Rights Commission**

0845 604 5510

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

#### **Looking Glass Society**

<http://www.looking-glass.greenand.org.uk>

A range of booklets concerning transsexual/Gender dysphoric people, particularly aimed at people involved in the caring for or working with those with gender dysphoria.

#### **Survivor project**

[www.survivorproject.org](http://www.survivorproject.org)

A non-profit organization dedicated to addressing the needs of intersex and trans survivors of domestic and sexual violence (American site)

### Support information:

#### **National centre for domestic violence**

[www.NCDV.org.uk](http://www.NCDV.org.uk)

Provides emergency service to survivors of domestic abuse regardless of gender or sexual orientation

#### **Broken Rainbow**

[www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)

0300 999 5428

Support and helpline for LGBT people experiencing domestic abuse

#### **a:gender**

<http://www.agender.org.uk/>

a:gender is the support network for staff in government departments /agencies who have changed or need to change permanently their perceived gender, or who identify as intersex.

#### **Press For Change**

<http://transequality.co.uk/PressForChange.aspx>

Press for Change has been the key lobbying and legal support organisation for Trans people in the UK.

#### **Transgender Zone**

<http://www.transgenderzone.com/>

The Transgender Zone supports those who feel they are confused about their gender, those who are looking for support for someone who is transgender, and health and social care professionals who want to learn more about the subject.

#### **Mermaids**

[www.mermaidsuk.org.uk](http://www.mermaidsuk.org.uk)

Support group for gender variant children and teenagers and their families. The group is run by parents and young people who have dealt with or are dealing with gender identity issues.

### Guidance for employers and agencies:

#### **Stonewall Scotland**

[http://www.stonewallscotland.org.uk/scotland/about\\_us/2870.asp](http://www.stonewallscotland.org.uk/scotland/about_us/2870.asp)

Collection of publications for LGBT people and employers.

#### **TUC**

<http://www.tuc.org.uk/equality/tuc-19413-f0.cfm>

A comprehensive guide to addressing LGBT issues in a trade union context.



### **Women and Equality Unit**

<http://www.equalities.gov.uk/PDF/Gender%20reassignment%20-%20a%20guide%20for%20employers%202005.pdf>  
Gender reassignment- a guide for employers.

### **Equal opportunities commission**

<http://www.equalityhumanrights.com/about-us/vision-and-mission/our-business-plan/transgender-equality/>  
Information about rights for transgender individuals, and guidelines and information for employers.

### **Galop**

<http://www.galop.org.uk/wp-content/uploads/2011/05/final-shine-report-low-res.pdf>  
Shining the Light: 10 keys to becoming a trans positive organization. This resource is aimed primarily at LGBT organisations, however contains extremely useful advice and information that can be used by a range of services.

## REFERENCES:

Equality and Human Rights Commission (2010) 'Provision of goods, facilities and services to trans people'

Morton, J. (2008) 'Transgender experiences in Scotland'. Scottish Transgender Alliance

Mottet, L., & Ohle, J. (2003). 'Transitioning Our Shelters: A Guide to Making Homeless Shelters Safe for Transgender People'. New York: The National Coalition for the Homeless and the National Gay and Lesbian Task Force Policy Institute.

Olmec (2008) 'A Guide to Equality and Diversity in the Third Sector'

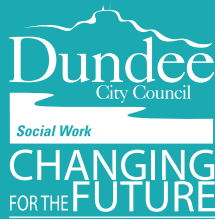
Reed, B. et al. (2009) 'Gender Variance in the UK: Prevalence, Incidence, Growth and Geographic Distribution'. Gender Identity Research and Education Society.

Roch, A. et al. (2010) 'Out of Sight? Out of Mind?: Transgender People's Experiences of Domestic Abuse'. LGBT Youth Scotland and The Scottish Transgender Alliance

Whittle, S., Turner, L. and Al-Alami, M. for The Equalities Review (2007) 'Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination'

The information in the guidance document is for general guidance on your responsibilities and is not intended to provide exhaustive legal advice. If you need more details or information about your legal responsibilities or advice about intended action, please contact a solicitor. Dundee City Council has tried to ensure that the information in this guidance is accurate. However, Dundee City Council will not accept liability for any loss, damage or inconvenience arising as a consequence of any use of, or inability to use any information in this guidance. Dundee City Council are not responsible for claims brought by third parties arising from your use of this guidance. Dundee City Council assumes no responsibility for the contents of referenced documents. The inclusion of any reference should not be taken as endorsement of any kind by Dundee City Council.





<b>This information is made available in large print or in an alternative format that meets your needs.</b>	
<b>Chinese</b>	欲知詳情，請致電：01382 435825
<b>Russian</b>	Более подробную информацию можно получить позвонив по телефону: 01382 435825
<b>Urdu</b>	مزید معلومات کے لئے برائے مہربانی 01382 435825 پھون کریں۔
<b>Polish</b>	po dalszą informację zadzwoń pod numer 01382 435825
<b>Alternative Formats</b>	For further information please contact the issuer of this publication

