



**ENGAGING
TRANSGENDER
PEOPLE**



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Introduction

It is widely acknowledged that there is still much to be done to ensure the full inclusion of transgender people in our communities.

Transgender people, groups and communities continue to be disadvantaged in terms of equal access to services, civic participation and equality compared to their LGB counterparts.

As this is the case, there is a real need for public bodies to develop skills, policies and practices on gender identity inclusion and human rights, and for engagement between transgender people and public bodies to happen at all levels of Scottish society.

In this booklet we provide strategies on engagement for both transgender people and public bodies.

This section of the toolkit has been developed by the Scottish Transgender Alliance. Should you need any further advice, support, or training on transgender issues contact details can be found at the back of this booklet.

What does transgender mean?

For the purposes of this toolkit and for our work as a whole the Scottish Transgender Alliance uses the terms **transgender people** and **trans people** as 'umbrella' terms to describe a diverse range of people who find their gender identity does not fully correspond with the sex they were assigned at birth.

As individual people view themselves and experience their lives in unique ways so too are the words or terms they use to describe these experiences personal to them. What follows are the most common definitions of terms included under the trans umbrella in Scotland – they are not exhaustive and certainly not infallible.

Transsexual people are usually distinguished from other types of trans people by their strong need to undergo gender reassignment to live completely and permanently as a different gender from the sex they were assigned at birth. A **trans man** is someone who was assigned female at birth but self-identifies as a man, while a **trans woman** is someone who was assigned male at birth but self-identifies as a woman.

Non-binary gender people do not feel comfortable thinking of themselves as simply either men or women. Instead they feel their gender identity is more complicated to describe. They may decide to change

their name and may use gender-neutral pronouns or a title such as Mx. They may refuse to select male or female on forms.

Cross-dressing people feel more comfortable expressing themselves in particular masculine or feminine clothes either occasionally or more regularly.

Intersex people are born with external genitals, internal reproductive systems or chromosomes which are in between what is considered clearly physically male or female. However most will self-identify as and live their whole lives clearly as either men or women.

It is important to note that not all people who identify with one of these more specific terms will also see themselves as being transgender or trans.

Who is covered by the law?

The Equality Act 2010 protects people from discrimination, harassment, and victimisation.

It does so for people with “protected characteristics”, one of which is **Gender Reassignment**. It defines gender reassignment in this way: »

Who is covered by law?

- » ◆ A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Therefore, gender reassignment does not need to involve any medical supervision or surgical procedures. It could simply involve changing the social gender role in which the person lives their life.

Although the law doesn't use the term transgender people, in practice the gender reassignment definition is wide. For example it could include a non-binary gender person assigned the male sex at birth, thinking about beginning to use a female name. In this case they would be proposing to undergo part of a process for the purpose of reassigning their sex. The Equality Act also includes people who are perceived to have protected characteristics and people associated with others who are trans.

Public bodies should therefore not only consider transsexual people but take an inclusive approach to advancing gender identity equality of opportunity for all transgender people and anyone perceived as or associated with a trans person. This will enable them to meet the needs of a larger proportion of the communities that they serve.

Public sector duties

As well as protecting trans people from discrimination and unfair treatment the **Equality Act 2010** and **Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012** provide a real opportunity for trans people and groups to engage with public bodies.

The new **Specific Duties** mean that public bodies must publish a set of equality outcomes – results that it aims to achieve in order to meet its obligations under the Equality Act to further equality for people with “protected characteristics.” If any public bodies don’t set out specific equality outcomes for trans people, they will have to justify why they have not done so.

When creating equality outcomes, public bodies must take reasonable steps to involve trans people and groups and consider their views. They will also have to assess the impact of any new policy or practice they are thinking of putting in place on trans people.

For example: if a local authority was considering altering the layout and privacy of leisure centre changing rooms as part of a refurbishment process they should consider holding a consultation with trans people and their representatives about the impact this may have on access to leisure services for trans people. »

» What is a public body?

See page 9 of the **Engaging Public Bodies** booklet for an explanation of what a public body is and examples of different public bodies.

Why engage?

There are benefits for both transgender people and public bodies of well-planned and constructive engagement:

- ◆ **Local services can be shaped and improved.**

While public bodies aim to have processes in place to make their services accessible to LGBT people, identifying the issues which specifically affect trans people can be more difficult.

Engagement can help make services more appropriate and relevant to the whole community.

- ◆ **Greater visibility.** Providers of public services may not be aware that they regularly come into contact with trans people. Engagement will raise awareness that these services are used by a significant number of trans people.

- ◆ **Constructive relationships can help flag up problems.** Experiences of difficulties accessing

services are more likely to be shared with an organisation with which a relationship of trust has been established. This information can be used by public bodies to improve the training of their staff and direct resources to help reduce discrimination before a problem escalates.

- ◆ **Support for trans groups** to develop or learn from other local organisations to create more effective engagement strategies. Community Learning and Development (CLD) staff may also be able to work with groups to access funding.
- ◆ **Increased confidence and improved communication skills.** Public bodies and trans people and groups will feel more confident in engaging with each other and will be able to do so more effectively.

How to engage with public bodies?

There are a number of ways you or your group can engage with your local or national public bodies. Although the onus is on public bodies to engage with you, there are a number of strategies you can use to encourage them to involve trans people.

It may first be useful to consider what methods of engagement are most appropriate to you and what support you may need to access them. For example: some people may not feel comfortable with other people knowing of their transgender identity and so an anonymous questionnaire may be the best way for them to express their views; others may want to attend a consultation event but need reassurance that they will be able to use the toilet they prefer or that security staff at the venue entrance will respect their gender identity.

Fill in a questionnaire or consultation response



Public bodies often produce questionnaires or on-line consultations to find out the views of people who use their services, either generally or, more often, in relation to a particular issue. »

Advantage

This doesn't take too much time and can be done online whenever suits you. Responses are usually collected anonymously which is good if you are concerned about confidentiality.

Disadvantage

These are usually in the form of yes/no or multiple choice questions and so don't allow you as much of an opportunity to input as you might like.

How to engage with public bodies?

» Attend a consultation event

You can influence changes in policy and practice by contributing at consultation events held by public bodies.

Advantage

A good forum to share your views with people involved in policy decisions and an opportunity to discuss your views with other people attending the consultation.

Disadvantage

If there are a lot of people there you may not have much time to share your views and you may also have to listen to people with very conflicting opinions to your own.



Encourage a trans group or organisation to take forward your priority

Rather than engaging on your own behalf it may be more effective to discuss the issue with an organisation and to have them raise it.

Advantage

They might be better placed to raise the issue with people who are in a position to do something about it.

Disadvantage

This is more likely to happen when the issue affects many trans people and may not be appropriate where you have a very personal concern.



How to engage with trans people and groups?

In order to engage with the whole community you need to ensure that your procedures for doing so are as trans inclusive as possible.

Include trans representatives and organisations from the start

How? In creating policies around community engagement contact people or organisations with trans expertise to have their input into the process.

Why? They can suggest the most inclusive ways of organising consultations and other methods of engagement, for example by giving advice on the use of appropriate language around gender identity and how to encourage trans people to get involved.

Use anonymous surveys

How? If you want to know about the impact of a particular policy or practice, or how a service is experienced by trans people you can create an online survey which can be distributed through trans networks.

Why? Some trans people might not want to disclose their gender identity to a public body but will be keen to provide their views if they can do so anonymously.

Hold consultation events

How? When you want more detailed insight into how trans people might be affected by a policy or practice, you can contact a trans organisation to arrange a jointly facilitated consultation.

Why? Having input from a trans organisation is likely to increase the number of people who will attend an event. They will support you in making the consultation »

How to engage with trans people and groups?

- » as trans inclusive as possible and meeting the access requirements of attendees.

Arrange to speak at trans groups

How? Contact the organiser of a local trans group and ask to attend a meeting to discuss the work of your public body and how individuals and groups can engage with you.

Why? As well as gaining an understanding of the priorities of the group you will start to form fruitful relationships which can be used to facilitate further engagement in the future.

Specific considerations

In order to effectively engage with trans people, alongside implementing the general good practice guidance for engaging with LGBT people provided by the **Engaging Public Bodies** booklet, you should consider the following:

- ◆ Trans people will have very different needs and priorities depending on a number of factors such as: their age; their gender identity; if they are transsexual, the stage

they are at in transition and whether they are transitioning from male to female or female to male; whether they are disabled; and their ethnicity. Many trans groups are small and may not have very diverse memberships. In order to make your consultation process fully inclusive you should contact a diverse range of national and local groups and individuals.

- ◆ It is important to take into account whether the people you engage with are expressing their own personal views or accurately representing the views of a number of other people too. Evidence of representing other views should ideally take the form of survey results or focus group reports. In order to obtain a full picture you need to be sure you are gathering evidence of the views of a variety of trans people.
- ◆ Providing a safe and accessible changing space at meetings and events will enable trans people to attend and express their gender identity in the way they feel most comfortable, even if they are unable to present that way on route to the event.
- ◆ Many trans groups are completely un-funded, have very limited resources and therefore »

How to engage with trans people and groups?

- » may not meet very often. This should be taken into account when considering the length of time you allow for the consultation process.
- ◆ Consider the way in which you advertise the consultation, survey etc. If it uses appropriate language and states a changing space is available and people can use the toilet they prefer then people will be reassured that it is trans inclusive and will be much more likely to take part.
- ◆ Think about when and where you hold the consultation. Many trans people are anxious of experiencing hate crime and may not want to go to events when it is dark or in areas which feel unsafe. If the venue has increased security such as metal detectors, make sure that security staff are briefed to refer to people appropriately and treat attendees with dignity and respect.
- ◆ Ensure that those carrying out the engagement have a good understanding of relevant legislation and concerns. Trans people may be willing to share quite painful personal experiences but staff need to avoid exploiting trans individuals as free trans awareness learning resources.

Scottish Transgender Alliance



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The **Scottish Transgender Alliance (STA)** is the only dedicated transgender equality project funded by the Scottish Government. It has been funded since 2007 and has two full-time staff.

The STA provides good practice guidance resources and training for service providers and employers, high quality research evidence, policy and legislation expertise, community consultations, forums, and capacity building events.

EQUALITYNETWORK

Lesbian, Gay, Bisexual and Transgender Rights in Scotland



Stonewall
S C O T L A N D

Community Connections

has been developed in partnership by Equality Network, LGBT Youth Scotland and Stonewall Scotland in order to achieve meaningful engagement with lesbian, gay, bisexual and transgender communities.

1 Engaging LGBT People

2 Engaging Public Bodies

3 Engaging Young People

4 Engaging Transgender People

5 Best Practice

6 Publicity