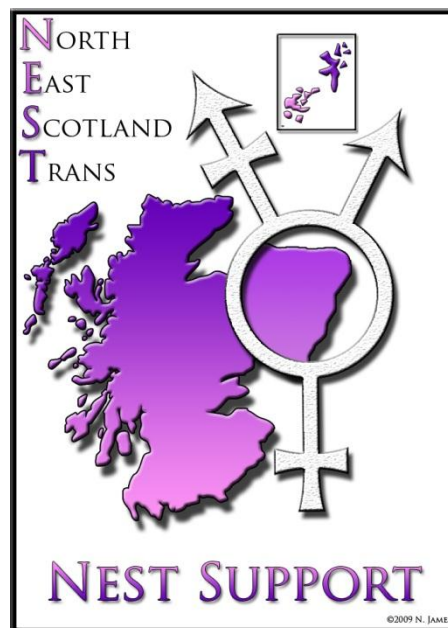


Potential areas of concern between Local Authorities and the Transsexual/Transgender community

By

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The purpose of this document is to highlight areas where Local Authorities may need to consider the impact, or effect, public services might have on those who are Transsexual or Transgender.

The Transsexual and Transgender communities, although relatively small in terms of numbers, can be severely impacted by the implementation of good and bad practices, and this can be seen from personal stories by very young people, right through to those who are much older. Any impact can also be imposed on the memories of those who are deceased, as well as the friends and family of everyone who supports a Transsexual or Transgender person.

There has been legislation in recent years to ensure the Transsexual and Transgender communities are protected from discrimination and have the equal rights as others who have protected characteristics.

No doubt local authorities will feel they have met their requirements but to avoid complacency, an in-depth look at their obligations may be beneficial and establish if such obligations are truly being met. With this in mind I feel it prudent to ask questions that may not have considered, and to identify areas where action might be needed.

Nicola James

Background

Transsexuals

Transsexuals are people whose biological birth sex conflicts with his, or her, psychological gender. This conflict can be diagnosed, by two gender specialists, as gender dysphoria (sometimes referred to as Gender Identity Disorder) with the most severe form considered to be transsexualism. Research suggests this condition is caused during foetal development and those Transsexuals who are born male, referred to as Trans women, have a brain, especially the hypothalamus, similar to females who are not Transsexual. The same has been found for those born as female, referred to as Trans men, whose brains are similar to males who are not Transsexual. This is why many say they feel trapped in the wrong body as the brain sex is different to the birth gender of their body.

In the past many Transsexuals have suppressed these feelings and tried to live lives that conform to the expectations of the society to which they belong. Some, for whatever reason, will never feel able to express this conflict and will continue to try to suppress their inner turmoil. However many now, and even more in the future, will be seeking help as information about this condition, and treatment, becomes more available and understood.

For Transsexuals finding the courage to not only accept themselves, but also to seek help, may take a considerable period of time as the condition is still widely misunderstood. They will seek help from the medical profession, who will refer them to a gender specialist. If the gender specialist considers the patient, after consultations and diagnosis, to be transsexual they will then be referred to a colleague who will also carry out a similar consultation and full diagnosis on the patient before giving a second opinion. It is only after seeing these two professional people that the medical profession will diagnose them as transsexual, that they suffer from gender dysphoria and, if the patients chooses to, they will work with the patient to establish an individual pathway to meet the patients' needs which may help them transition to the acquired gender.

For an individual to transition, i.e. undergo gender reassignment, it is a requirement for them to live full time in their acquired gender for a minimum of twelve months. A number of treatments are available within this timescale, however none are offered or given, which are not reversible. It is due to this requirement that I believe that local authorities may, in the main, encounter those who are diagnosed as transsexual despite transsexuals being far lower in number than those in the transgender spectrum. A Transsexual's transition to their acquired gender has to be more permanent to meet medical requirement whereas those who are transgender have no such restriction and can be more fluid in their gender identity, depending on the individual.

Transgender

The numbers of people being who identify as being part of the Transgender spectrum are greater than those who identify as Transsexuals. The current estimated ratio is approximately 30 : 1.

(Source: Gender Variance in the UK: Prevalence, Incidence, Growth and Geographic Distribution – June 2009)

However, even though there are a greater number of Transgender people than Transsexual people, this section of the spectrum is far more hidden and interaction can be far more difficult. Transgender people can have many differing identities such transvestites, cross dressers, gender queer, drag kings/queens to name but a few.

The vast majority keep this to themselves and satisfy their needs away from public exposure. There are many groups across Scotland and the UK that support the Transgender community and organise social events which fulfils the needs of those who need to express their transgender identity beyond their home/private confines, and make contact with others in similar positions.

From many personal narratives, and stories, it is abundantly clear, that many from the transgender spectrum are unable to express their needs sufficiently and this can lead to mental and physical health issues. A small proportion can satisfy their needs in ways which they feel comfortable, e.g. shopping in areas out with their environment, attending social events in trans friendly establishments etc., however, due to the need for discretion and secrecy, caution is paramount, and this in itself, leads to feelings of angst.

With almost all people who live under such personal pressure, the greatest fear they have is for others to be aware of their condition, and express negative judgement or comment, which will have an impact on how they can now interact with others.

Irrespective of whether a person is Transsexual or Transgender they should be afforded the same rights, and respect, to express the identity and individuality just like any other member of society.

Jobs & Careers

Local authorities employ a large number of staff to deliver their wide range of public services. Any employee who is undergoing, or has undertaken gender reassignment, may need a greater level of protection than that afforded to every other staff member. This level will depend on the individual concerned, and the job they are employed to undertake. The general public, although in the main understand some issues, in some situations can display hostile reactions which can range from mild discrimination, to extreme violence.

This could happen for those members of your staff who have more public engagement and have a higher profile. A prime example of this is Teachers who, due to their duties, have to deal with children as well as parents, colleagues, and the general public.

Some of examples of questions which need to be addressed are:-

What contingency plans have been made if a Transsexual Teacher faces a hostile reaction from parents, pupils or even other members of staff?

Do you have any kind of education programme that you could roll out to a school, or schools, to negate any hostility so that the Teacher, who will be already stressed, can carry out doing their important job?

Whilst it is incumbent on every public service provider to have some guidelines written down, possibly through their human resources or equivalent department, when it comes to transsexual employees do such guidelines have sufficient good practice advice if a Teacher, or any other high profile member of staff, undergoes gender reassignment during their employment or can offer support to an employee, if a member of their close family undergoes gender reassignment?

It is imperative to show clear, concise, visible support in what is an extremely traumatic time for your employee to help them deal with any issues/abuse that may be generated from the public, and in some cases the media.

Statistically 25% of Transsexuals feel obligated to change jobs due to harassment or bullying, often from other members of staff. (Source: Endangered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination 2007.)

This figure may be even higher if you add in external pressure from other service users.

Education

The selection of using teachers as an example, provides ample opportunity to cite the following case study which is based on actual events

After the English Schools summer holidays in 2010, three pupils who had previously attended their school as male returned as females. What would your schools, or other educational institutions, do if this happened in your local authority?

Have you considered?

- The potential for bullying these pupils might receive
- Questions from other pupils
- Parents of other pupils, and any potential hostile reaction they may exhibit
- time off from school for medical appointment that might be necessary for their successful transition i.e. psychiatric/psychological assessments, hormone therapy
- Impact upon staff from third parties, e.g. media, general public etc.

A common reaction might be to send the pupil home to change their mode of dress back to that of their birth gender however that is no longer appropriate and would show a complete disregard for the rights of that pupil. School is a traumatic time for those struggling with gender identity.

Statistics shows that 64% of young Trans men and 44% of young Trans women will experience harassment and bullying at school, not just from pupils but school staff including teachers. These are higher rates than for young lesbians or gay men. (Source: Endangered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination. 2007)

It is vitally important to protect our vulnerable young at school if they are to attain their true potential. Recent research discovered that the average age of a Transsexual to start transitioning is 42. As most report feeling at odds with their birth gender from a very young age e.g. 4 or even younger, then that is in excess of 38 years of suppressing who they believe themselves to be. That identity struggle will impact on ability to reach their full potential and capacity as they are always holding something back for fear of exposure, ridicule and abuse, both verbal and physical. That is why many report that once they have transitioned from one gender to the other, they are far happier, open, rounded human beings because they no longer have the internal struggle taking up more of their time.

Social Care & Health

This sector of your responsibilities can have a huge impact on the lives of your service users. The needs of every Transsexual/Transgender user need to be taken into consideration whether they are a child, elderly person or any age in between those two. It is important that your staff protect this vulnerable group and do not make decisions based on their own feelings about Transsexuals or Transgender people.

Families can have difficulties for numerous reasons. If your social work department /child services are working with a family to try and keep it together despite these difficulties, and your staff find out one of the children has expressed gender identity issues, do you ignore these gender identity issues and only try to keep the family together?

I have already been involved with such an incident and was requested to provide some input. In this instance, the social worker placed no importance on the gender issues which, instead of assisting to resolve current conflicts, may be contributing to the possibility of causing long term problems.

If in the above scenario, it is one of the parents who has a gender identity issue, would the principle consideration be to maintain the family integrity and help maintain a supportive framework for all members of the family, or is the first thought to get the family away from the parent with the gender identity issues?

Many Transsexuals, immediately prior to or when they start to transition, lose contact with all, or some, of their family due to lack of understanding about why they have to transition. Your members of staff have to be able to educate the family to try and persuade them to give support to their family member at a particularly traumatic period of their life.

What if a child is in need of fostering/adoption, or already in foster care/adoption and is expressing gender identity issues?

What specific support or education are you going to give the foster/adoptive parents about this? How will you protect that child so that their foster/adoptive parents do not force their own beliefs on the child by trying to make the child conform to their beliefs?

How would you cater for a foster carer, or an adult who is willing to adopt, if they were beginning to change gender or had already changed gender? Do you assume they are incapable of being a foster parent or suitable to adopt a child? Transsexuals can be loving, and caring parents, just like anyone else. Just because they are dealing with a medical condition, albeit a vastly misunderstood condition, does not make them unsuitable to give a child a good start in life.

Disabled people are also Transsexual/Transgender. Are your carers, or those you sub contract this service too, suitably prepared to work with a Transsexual/Transgender disabled person?

Some disabled people might be referred for gender reassignment surgery, which is a decision made by the NHS Gender Specialist team. For any Transsexual person, whether disabled or not, there is a lengthy period after surgery where they have a significant amount of post-operative care that is required, sometimes several times per day.

Are you capable of providing more visits per day to accommodate this eventuality? Some post-operative care is very invasive and can be embarrassing to some who do not feel capable to undertake this task. How can this be addressed without the carer feeling that they are causing unnecessary problems or lowering their care standard towards the disabled person?

Long term care

The population is living longer and some of us may need to go into sheltered housing or even elderly/residential care homes. These residents will be as diverse as the rest of your communities and there may well come at time, if it has not already occurred, when you will have Transsexuals or Transgender people who need to live in this type of accommodation.

What protocols and procedures do you have in place to protect any member who identifies as Transsexual or Transgender, or even those who identify as Gay or Lesbian, from discrimination or harassment in these residences from other residents, visitors or even staff?

Business & Trade

What can Local Authorities can do to help educate local business and trade about Transsexual/Transgender people?

Over 50% of Transsexual people are educated to a high level and play a valuable part in many industries despite the inner turmoil many have with their gender identity. Despite legislation, there are a high percentage of individuals who, when they need to undertake gender reassignment, find that they cannot continue in their current employment, sometimes due to redundancy, dismissal, or placed in a position by which they have to resign. Despite ability, experience and a willingness to undertake extra working impositions, many are forced to end up in poverty and living on state benefits.

Community Life & Leisure

Facilities

Service providers have a duty and obligation to provide many public, social and leisure facilities for all the members of your community. Studies show that almost 50% of the Transsexual community do not use these facilities for fear of discrimination or harassment.

For example, when a Trans woman requires to use the toilet facilities, and the person is at a stage of gender reassignment when they can still be identified as male, this may lead to a complaint from another user. From a legal standpoint, this Trans person has the right to use the toilet appropriate to their acquired gender, yet, in some instances, it will be the Trans person who is asked to leave as if they were being the cause of the offense. In more severe cases, they have been barred from using the appropriate toilet.

Under these circumstances, what plans are in place to:-

- **Resolve the conflict**
- **Educate the complainant on the rights of trans people to be able to use public facilities**
- **Support the trans person through the trauma and stigmatisation**
- **Protect the Trans person from further public embarrassment or harassment should the authorities be asked to intervene.**

Bereavement

As this document will indicate, Transsexual people have to face abuse, harassment and discrimination in their daily lives, more so, should it become known they are Transsexual. Even in death this can continue. As mentioned elsewhere, many Transsexuals have no contact with their families due to the lack of understanding about their condition. It has been known that when a Transsexual person dies, and who had legally changed their name, the family may well claim the body for a funeral or cremation. The family will then ignore the fact the deceased has changed name, and gender, and will carrying out the burial service while referring to the person's birth sex and original name they were known as before they transitioned. You have to question the legality of this as the name is no longer legally recognised for the deceased.

What can you do to ensure this practice does not happen in your area and that all records record the legal name and gender?

Housing

Due to the lack of knowledge and the stigma of being Transsexual/Transgender, many lose everything from jobs to families and friends. As a result they can even be forced out of their own homes.

Statistics show that

1 in 4 Trans people live in private rented accommodation, double the UK general population figure. This tends to be less secure and of poorer quality.

(Source: Endangered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination 2007.)

It is known there is a shortage of decent, affordable rented housing and I know a transsexual, or transgender, person cannot necessarily be given preferential treatment and jump the waiting lists. However your housing department needs to be aware what Transsexual, and Transgender, people face on a day to day basis.

Law & licensing

Crime Prevention

Legally Transsexual and Transgender people are protected from hate crimes under The Offences Aggravated by Prejudice (Scotland) Act 2009. Grampian Police are well aware about the difficulties faced by the community and they keep records of the transphobic and homophobic hate crimes carried out in our area. However there is a vast amount of under reporting as sadly the Transsexual and Transgender seem to believe that hate crimes come with the territory. This is due to years where we have been ridiculed by society and a lack of trust in the legal system. Statistics show that

73% experienced harassment with 10% being victims of threatening behaviour

46% have experienced harassment in their neighbourhood

28% have moved to a different neighbourhood because of their transition

21% avoid going out because of fear of harassment

(Source: Endangered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination 2007.)

I have identified in this document the possibility of abuse, harassment or bullying to users and employees of your facilities. Elements of these could all be classed as transphobic.

How many cases of these scenarios has your staff reported as a hate crime? I could make an educated guess and say that very few, if any, hate crime forms have been completed. The reasons why so few, or possibly no forms have been completed needs to be addressed.

You may not know how many Transsexual or Transgender members are in your community but I could estimate that every day at least one local authority employee has made an abusive homophobic/transphobic comment possibly about what they have seen in public or in the media. There is also the likelihood that in one of your many premises that an abusive homophobic, or transphobic, comment has been uttered e.g. schools or a neighbour of a Transsexual, or Transgender, tenant.

You also have to consider that the many businesses that require licenses to operate, which you distribute, are adhering to the equality laws. If found to be discriminating, carrying out a hate crime or allowing a hate crime to take place then consideration has to be given for their license to be suspended or withdrawn.

It seems that society thinks that verbal abuse is acceptable and non-threatening. However in some cases it has been proven that verbal abuse can lead to physical abuse either of the person, their property or where they live. This in turn may lead to grievous bodily harm and murder.

Are you aware that a Transsexual/Transgender person is murdered every 53 hours on this planet, just because they are Transsexual/Transgender?

It has been known for dog faeces to be smeared on cars and house doors/windows. There have been instances where it has been thrown at Transsexual/Transgender people or pushed through their letter boxes. Cars have been known to be scratched or set on fire. People have been known to shout abuse at transsexuals in the street and having to use a public toilet can end up, for a Transsexual or Transgender person, in verbal and/or physical abuse.

You have Prejudice Incident Report Forms, **use them....! !**

Over recent years there have been many changes to legislation to ensure that all equality strands are treated equally. Public service providers have been some of the most pro-active in meeting their requirements. However legislation does not tell you how our lives are and what some of us have to face on a daily basis.

Being a member of the Transsexual/Transgender community, I have spent the last 14 years researching my own medical condition and experienced, first-hand, how some sectors of society treats this community. I have also listened to, or read about, the experiences of other Transsexual/Transgender people. This small community has been quite willing to share their experiences with each other, to warn others of some of the pitfalls that we face in an attempt to minimise them happening to anyone else. However we cannot hide indoors, nor should we, therefore there are times we have to face hostility and discrimination just to be who we are.

However for some, it all becomes too much. Statistics from a report in 2007 called “Endangered Penalties: Transgender and Transsexual People’s Experiences of Inequality and Discrimination” written by Stephen Whittle, Lewis Turner & Maryam Al-Alami, which I have used throughout this report, show the following

- **14% have attempted suicide, once**
- **7% have attempted suicide, twice**
- **14% have attempted suicide more than twice**

Therefore almost 35% have attempted suicide at least once

The question we do not have an answer for is how many have succeeded in taking their own lives?