# Advancing transgender equality: a plan for action

December 2011

HM Government

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# Ministerial foreword

Last year the Government published its Equality Strategy 'Building a Fairer Britain'. The strategy is built on two principles – equal treatment and equal opportunity. Equality is not just the right thing to do; it is central to our ambitions to build a better society and a modern economy which genuinely draws on the talents of all, where everyone feels they can play their part.

Transgender people, from transsexual to non-gendered, want to be able to participate in and make their contribution to society and the economy. The Government, employers and public services have a role in enabling this to happen and addressing the barriers that prevent them from doing so.

Prejudice and discrimination not only blight people's lives, they also undermine the principles upon which this country prides itself. This Government is committed to making transgender equality a reality. In March 2011, the Government published 'Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward', which included Government's commitments to tear down barriers and advance equal opportunities for lesbian, gay, bisexual and transgender people in all areas of society – including in schools, at work and in healthcare.

We are already making progress but we are not stopping there. From barriers to full participation in civil society to tragic incidents of hate crime, we recognise that transgender people can face distinct and specific challenges that sometimes need to be addressed separately. This first ever Government transgender equality action plan forms part of our wider work to build an equal and fair society. It includes firm commitments to improve the lives of transgender people and support businesses and public bodies so they have the right tools to support transgender people.

This document is the culmination of our active engagement with the transgender community, practitioners and the voluntary sector. It lays out our vision and the focus for the Government's commitment to deliver greater equality for transgender people. We do not underestimate the challenges transgender people face and the actions in this document are just the first steps towards achieving this vision. It will take all of us working together to make this the era where we consign transphobia to the past, and build a strong, modern and fair Britain for all.



Rt Hon Theresa May MP
Home Secretary and Minister for Women and Equalities



Lynne Featherstone MP
Minister for Equalities

# Section 1: Early years, education and social mobility

Children's early years have a profound influence on their life chances. Whilst the experiences of transgender[1] pupils are least likely to be reflected in data and research,[2] we know that over 70 per cent of boys and girls who express gender variant behaviours are subject to bullying in schools.[3]

Schools should be a safe and supportive environment for children to learn in. Tackling transphobic bullying helps to address unacceptable behaviour and ensure that our society becomes more tolerant. This Government is committed to tackling transphobic bullying and we want to support schools to act as leaders and advocates for change. We have already issued anti-bullying guidance to support head teachers in tackling all forms of bullying, including transphobic bullying.[4] We are also issuing separate statutory guidance to extend head teachers' powers to respond to pupils who bully other pupils outside the school premises, and are reforming Ofsted schools' inspections to give all forms of prejudice-based bullying more prominence.

But there is still a long way to go. We have identified a range of commitments to help schools become more inclusive for gender variant children and to help provide support and protection to transgender pupils in schools.[5]

1 Throughout this document we have used a range of terms to describe different groups of people, such as transgender, transsexual and non-gendered. These terms are used for the purpose of this document only, to describe those who define themselves in these or other ways. They do not necessarily reflect legal status and are not intended to be used as definitions for any purpose outside of this document.

2 EHRC (2010) Triennial Review.

3 EHRC (2009) Research Report 27: Trans Research Review.

4 The latest version of this guidance is available on the following link: https://www.education.gov.uk/publications/eOrderingDownload/DFE-00062-2011.pdf

5 Some polices that are set out in this action plan will apply across the UK or Great Britain, some to England and Wales and some to England only, reflecting the fact that the responsibility for some of these areas of policy are devolved and others reserved.

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Support schools with updated, clear and concise guidance[6] on the implementation of the public sector Equality Duty, which includes gender reassignment as one of the protected characteristics. | September 2011 | March 2012 | Department for Education (DfE) |
| Consider, as part of DfE's internal review of personal, social, health and economic (PSHE) education, the teaching of equality and diversity, including transgender equality. The review will analyse the material on transgender issues provided to them. | July 2011 | September 2012 | DfE |
| Work with relevant education and skills sector organisations and learners to develop a specific project to raise awareness of the challenges transgender people may face. | January 2012 | March 2012 | Learning and Skills Improvement Service (LSIS) |
| Update and disseminate guidance for further education and skills providers and learners on the LSIS online resource on staff's legal obligations towards transgender people under the Equality Act 2010 and information to transgender learners. | January 2012 | March 2012 | LSIS |
| Ensure that National Citizen Service (NCS) for 16 year olds is an inclusive and safe environment for all participants, including transgender people, by encouraging NCS providers to build equality issues into their information and training for staff. | January 2012 | April 2015 | Cabinet Office (CO) |

6 The latest version of this guidance is available on the following link: http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010

# Section 2: A fair and flexible labour market

Equality of opportunity in employment is fundamental to building a strong economy and a fair society. We know that workplaces that are more inclusive are also more productive. Despite some progress, transgender people can still face persistent discrimination in the workplace. Responses to our survey on employment[7] indicate that:

- Nearly half of transgender employees experience discrimination or harassment in their workplaces;[8]
- 88% of respondents said that ignorance of transgender issues was the biggest challenge they faced in employment;[9]
- Transgender people highlight transitioning at work as one of the most significant triggers for discrimination.[10]

This Government is committed to ending discrimination in the workplace wherever and whenever it occurs and is already progressing a number of projects in this area. As we promised in 'Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward', we have published research on the barriers and opportunities faced by employers in developing lesbian, gay, bisexual and transgender friendly workplaces. This will help employers better use the potential of their workforce, including transgender employees. We are also updating advice for employers on recruiting and employing transgender employees so they have the rights tools to help them to support their workforce. We have made good progress on these commitments and these are on course to be completed in 2012.

However, we want to do more to support employers and transgender people and have identified a number of further commitments. These range from bespoke support and advice to help transgender people seeking employment to guidance for employers on pension entitlement for transgender employees.

7 GEO (2011) Transgender survey #3. 414 people responded.
8 Transgender survey #3.
9 Transgender survey #3.
10 EHRC (2010) Triennial Review.

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Provide prospective employers with updated guidance and targeted support on employing transgender people via the Job Centre Plus transgender employer support tool.[11] | January 2012 | Ongoing | Job Centre Plus |
| Support all transgender job seekers to find employment by ensuring revised guidance and training are available to Job Centre Plus staff on the specific challenges transgender people may face in employment. | January 2012 | Ongoing | Job Centre Plus |
| Use new local flexibilities[12] to target pre-employment support at individuals with the greatest needs, including transgender people. | January 2012 | Ongoing | Job Centre Plus |
| Update the Department for Work and Pensions (DWP) website to clarify state pension entitlement conditions for transgender individuals who do not hold a Gender Recognition Certificate (GRC). | January 2012 | December 2012 | DWP |
| Set up a temporary dedicated team to handle pension claims from those affected by recent judgments on the implications of people's gender reassignment for state pension purposes. | November 2011 | April 2012 | DWP |
| Improve DirectGov and HMRC guidance for employers and customers on the implications of gender reassignment for tax purposes. | January 2012 | December 2012 | Her Majesty's Revenue and Customs (HMRC) |

11 The Job Centre Plus transgender employer support tool is a resource which includes information and advice for employers on employing transgender employees. Other tools are available to cover issues e.g. flexible working.

12 This would include, for example, referral to training, using existing funding available.

# Section 3: Opening up public services and empowering individuals and communities

Like everyone else, transgender people have the right to expect that their needs are considered and, where possible, met by public services. The Equality Act 2010 includes a public sector Equality Duty which requires public bodies, when exercising their functions, to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with different protected characteristics. This includes gender reassignment.

Responses to our surveys[13] indicate that transgender people face persistent challenges in accessing public services:

- More than half of respondents said they suffered discrimination in accessing public services because of their transgender status;[14]
- More than half of respondents said health was their most significant area of concern;[15]
- Two thirds of respondents said they had experienced threats to their privacy (e.g. having one's gender identity revealed at work without consent).[16]

We have already started work on these issues, including supporting public bodies to deliver equality for everyone, including transgender people. As we committed in 'Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward', we will shortly be publishing an 'Accountability & Transparency Support Package' to help the voluntary, community and social enterprise sector and the public use the public sector Equality Duty in holding public bodies to account. But more needs to be done. The following commitments aim to address some of the concerns highlighted during our discussions with transgender people.

13 Please note that the three online trans surveys conducted by GEO are not census of the transgender population. These surveys have been carried out to try to understand the main areas of concern for transgender people, and therefore results should not be used to derive population estimates or other demographic information related to the transgender community.

14 GEO (2011) Transgender survey #1. 1275 people responded.

15 Transgender survey #1.

16 Transgender survey #3.

## Health and social care

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Through the NHS Equality Delivery System, support NHS commissioners and providers' compliance with the public sector Equality Duty and ensure that decisions are fair, transparent, accountable, evidence-based and consider the needs and rights of staff and patients across all the protected characteristics, including gender reassignment. | July 2011 | February 2012 | Department of Health (DH) |
| Commission and publish a clear and concise guide for health practitioners, including GPs and Primary Care Trusts, and the transgender community on care pathways and available treatments. This includes information on the health of transgender young people and general healthcare issues post transition. | January 2012 | April 2013 | DH |
| Update the NHS Choices website and add information on transgender health, including sexual health and links to other useful websites. | December 2011 | December 2012 | DH |
| Lead a dialogue between the transgender community, including non-gendered people, the medical profession and NHS commissioners, to share best practice and review how this group can shape health policy. | July 2011 | Ongoing | DH |
| Take active measures to ensure that the views of transgender users shape the Government's Care and Support White Paper and create a care market that is more responsive to diverse needs. | September 2011 | December 2012 | DH |
| As part of the Government's wider work on reducing waiting times in accessing mental health services, review the issue of delays experienced by patients undergoing gender dysphoria treatment. | December 2011 | December 2012 | DH |
| As part of the Government's wider work to develop a new NHS Commissioning System, ensure greater consistency in commissioning gender identity services, increased patient choice and more cost effective treatment plans for gender dysphoria. | November 2011 | April 2013 | DH |

## Health and social care (continued)

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| As part of the Government's wider work on developing a new national suicide prevention strategy, consider whether the transgender community would benefit from specific interventions. | March 2011 | March 2012 | DH |
| Ensure that public health programmes consult widely with transgender people and where appropriate, include consideration of transgender health. | December 2011 | Ongoing | DH |

## Identity and privacy

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Review how gender identification is represented in passport application forms and passports. | January 2012 | February 2013 | Identity and Passport Service (IPS) |
| Deliver a framework for evaluating the Equality Act, including the implementation of the exceptions on gender reassignment. | October 2010 | October 2015 | Government Equalities Office (GEO) |
| Include in employment and services guidance information on the appropriate application of the Gender Recognition Act 2004 and use of gender markers to help protect transgender employees' privacy. | March 2012 | March 2013 | GEO |
| Update information on the GEO and the Information Commissioner's Office's (ICO) websites for the transgender community on preserving transgender people's privacy in employment and services under the Data Protection Act 1988, the Human Rights Act 1998 and the Gender Recognition Act 2004. | January 2012 | December 2012 | GEO<br>ICO |
| Publish a package of information for transgender people, outlining where legislation and policy can provide them with support to tackle the issues they may face. | January 2012 | March 2013 | GEO |

## Civil society

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Run a workshop for the transgender community with Parliamentary Outreach to increase transgender people's understanding of how Parliament and central Government work and the best way to engage with them. | January 2012 | December 2012 | GEO |
| Signpost, via digital media, relevant opportunities to young transgender people on participating in government funded programmes and make sure that those providing these programmes make them open to everyone. | December 2011 | December 2012 | GEO<br>CO |
| As part of wider work on encouraging people to participate in public and political life, promote relevant opportunities to transgender people so, if they wish, they can act as role models for others to participate. | November 2011 | December 2012 | GEO |
| Promote, via government information portals, relevant funding streams to the transgender community to ensure they are aware of funding available to participate in the localism agenda. | December 2011 | Ongoing | GEO<br>CO |
| Signpost, on relevant digital media, opportunities for transgender women to engage with work on strengthening women's voices in Government. | June 2011 | Ongoing | GEO |

## Public sector Equality Duty

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Run a workshop for the transgender community to increase their understanding of the public sector Equality Duty and how they can hold public bodies to account. | January 2012 | January 2013 | GEO |

# Section 4: Changing culture and attitudes

Attitudes are changing and today we are a more diverse and fairer society. However, too many transgender people face discrimination or even violence because of who they are:

- Between 2009 and 2010, there has been a 14% increase in transgender related hate crime – going up from 312 incidents to 357 incidents;[17]
- In only two EU member states, gender identity or transphobic hate crime are explicitly addressed in hate crime legislation.[18]

While the level of hate crimes recorded by the police may reflect the confidence that victims have in reporting to the police, and the measures we are taking to improve confidence and reporting, victims groups tell us that this is still greatly under-reported. We need to do more to tackle prejudice and violence against transgender people. Good progress has been made to address these issues. Key achievements include:

- From April this year, police forces have been required to collect data on transphobic hate crime which will be published next year as official statistics;
- A module on issues surrounding asylum claims brought on the grounds of the applicant's gender identity has now been included in all foundation and consolidation training to asylum decision makers;
- 30 sports bodies and over 2000 individuals have already signed up to our Charter against homophobia and transphobia in sport;
- The UK played an active role in the adoption of the UN Human Rights Council historic resolution expressing grave concern about acts of violence and discrimination against individuals because of their sexual orientation and gender identity.

But we need to do much more to make transgender equality a reality. The following actions aim to deliver further progress on this agenda.

17 Association of Chief Police Officers (ACPO) figures, released on 8 September 2011.

18 European Union Agency for Fundamental Rights (2010) 'Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity: 2010 Update – Comparative Legal Analysis'.

## Safety and support

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| **Legislation** | | | |
| Introduce an amendment to the Legal Aid, Sentencing and Punishment of Offenders Bill to amend section 146 and Schedule 21 of the Criminal Justice Act 2003. This will provide for sentences to be aggravated for any offence motivated by hostility towards the victim on the grounds of being transgender, and for a 30 year starting point for murders motivated by hostility towards the victim on the grounds of being transgender. | December 2011 | January 2012 | MoJ |
| Develop and publish a new cross-government hate crime action plan, which will include proposals for addressing transphobic hate crime. | November 2011 | March 2012 | HO<br>MoJ |
| **Housing** | | | |
| Work closely with the Chartered Institute of Housing to raise awareness of new good practice guidance[19] with housing providers on the specific accommodation needs of transgender people and the distinct challenges they face, including anti social behaviour and hate crime. | January 2011 | March 2012 | Department for Communities and Local Government (DCLG) |
| **Transport** | | | |
| Conduct a review with the pan-industry Passenger Transport Executive (PTE) Safety and Security Group to identify actions to tackle transphobic hate crime on transport. | January 2012 | January 2013 | Department for Transport (DfT) |

## Equal civil marriage

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| Work with the transgender community to ensure that everyone with an interest has the opportunity contribute to Government's work on equal civil marriage and that their needs are considered as part of this work. | October 2011 | June 2012 | GEO |

19 This guidance can be purchased online: http://www.cih.org/publication/display/vpathDCR/templatedata/cih/publication/data/Delivering_housing_services_to_LGBT_customers

## Promoting rights internationally

| Detailed action | Start date | End date | Lead |
|---|---|---|---|
| **Europe and worldwide** | | | |
| Include a formal objective on progressing LGB&T equality in the UK chairmanship of the Council of Europe and ensure real progress is delivered on this agenda. | November 2011 | May 2012 | GEO Foreign & Common-wealth Office (FCO) |
| Building on the recent adoption of the UN Human Rights Council resolution in June 2011, play an active role in ensuring constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. | June 2011 | Ongoing | GEO FCO |
| **Immigration** | | | |
| Improve guidance for immigration caseworkers on handling in-country applications from transsexual applicants. | April 2011 | March 2012 | UK Border Agency (UKBA) |
| Signpost on UKBA intranet asylum caseowners to guidance on gender identity issues in the asylum claim, with a particular focus on types of persecution and difficulties that a transgender applicant might have experienced. | June 2011 | Ongoing | UKBA |
| Engage with the transgender community and other partners to ensure that, where possible, up to date information on the situation of transgender people is accurately reflected in Country of Origin Information (COI) Service's products. | June 2011 | Ongoing | UKBA |

# Making it happen

The transgender equality action plan demonstrates the cross-Government approach and commitment towards improving equality for transgender people in all aspects of their lives. Together with Working for Lesbian, Gay, Bisexual and Transgender: Moving Forward, these documents set out the framework for Government to act as a leader and catalyst for change, taking the first steps to advance transgender equality, both domestically and internationally.

In line with the Government's commitment to **transparency and accountability**, we are committed to do two things:

- We will work with and support public bodies, businesses, practitioners and the voluntary sector throughout the delivery of the commitments included in this action plan.
- In 'Working for Lesbian, Gay, Bisexual and Transgender: Moving Forward' we committed to launching a **Call for Evidence** (CfE) in 2012. This will also include a CfE on the actions which are included in the transgender equality action plan. This will allow anyone with an interest in transgender equality to let Government know their views and insights on the delivery of each section, how they may be implemented differently, or more effectively. We anticipate that the CfE will last for three months.

Only if we work together will we achieve the fairer, more equal and more prosperous society that we all want to see.

# Glossary

| | |
|---|---|
| ACPO | Association of Chief Police Officers |
| BIS | Department of Business Innovation and Skills |
| CO | Cabinet Office |
| DCLG | Department for Communities and Local Government |
| DfE | Department for Education |
| DH | Department of Health |
| DWP | Department for Work and Pensions |
| EHRC | Equality and Human Rights Commission |
| FCO | Foreign and Commonwealth Office |
| GEO | Government Equalities Office |
| HMRC | Her Majesty's Revenue and Customs |
| HO | Home Office |
| IPS | Identity and Passport Service |
| ICO | Information Commissioner's Office |
| LSIS | Learning and Skills Improvement Service |
| MoJ | Ministry of Justice |
| SFA | Skills Funding Agency |
| UKBA | UK Border Agency |

ISBN: 978-1-84987-603-2
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