

Assessment of the GLA's impact on trans equality

Purpose of the paper

This paper forms part of the GLA's response to the General Equality Duty (see appendix 1), arising from the Equality Act 2010. Specifically it seeks to review the impact the GLA's policies and practices have had, or will have, in furthering the aims of the General Duty on the trans community.

This paper:

- documents the evidence taken into account;
- provides an analysis to establish whether GLA policies and practices have (or would) further the aims of the General Equality Duty;
- details the information the GLA has considered in carrying out this analysis;
- documents the engagement that the GLA has undertaken with people whom we consider to have an interest in furthering the aims of the General Equality Duty.

Introduction: legislative framework and the trans community in London

Trans is an umbrella term used by people whose gender identity and/or gender expression differs from the one they were assigned to at birth. Trans people may or may not undergo surgery to alter their body.¹

The Equality Act states that '*transsexuals who are proposing to undergo, are undergoing or have undergone the process of changing their sex have the protected characteristic of gender reassignment.*'² Further, the Act does not require a person to be under medical supervision to be protected, for example, a female-bodied person, who decides to live permanently as a male, but does not undergo any medical procedures, will be protected.

The other key piece of relevant legislation is the Gender Recognition Act 2004. This provides transsexual people with the opportunity to obtain legal recognition in their acquired gender with a full Gender Recognition Certificate being issued if the person fits the requirements. This protects trans people's right to anonymity, preventing their gender history being disclosed by others.

It is hard to identify the number of trans people in the UK or London but the research³ by the Gender, Identity, Research and Education Society reveals that 1,548 people had been referred to specialist treatment centres in 2008:

¹ Equality and Human Rights Commission

² *The Equality Act 2010 quick start guide* p4

³ *Gender variance in the UK: prevalence, incidence, growth and demographic distribution*, GIRES, 2009

Treatment centre	number of referrals
Charing Cross	775
Edinburgh	41
Glasgow	37
Sheffield	78
Newton Abbott	62
Nottingham	30
Other	341
Private	275
- Overlap between those who have accessed public sector medical services	91
Total	1, 548

There is an increase on the number of people being referred to the London clinic. In 2009 it had 830 referrals, an increase of 7 per cent.

2605 Gender Recognition Certificates⁴ (see appendix 2) have been issued as of August 2010. There is further information on the number of applications and those granted issued by the Ministry of Justice in their bulletins and this usefully demonstrates the increase in people seeking gender recognition throughout the UK.⁵

It is acknowledged that these figures do not pick up those trans people that do not seek surgery. In addition, given the diverse nature of London - it has a large and dynamic LGB community, for example - it is highly likely that the numbers may be higher and, given the multiple issues around personal safety etc, trans people may not want to disclose their trans identity.

In addition to the lack of confirmed numbers, there is a lack of detailed evidence on the inequalities experienced by the trans community in London. However, through the GLA's relationship with key stakeholders, along with a mixture of London and nation-wide data, the GLA is able to develop its evidence base and note key priorities going forward in the areas where the Mayor can have the most influence on trans equality.

⁴ Gender Identity Research and Education Society, see <http://www.gires.org.uk/grp.php>

⁵ *Gender recognition certificate statistics, July – September 2010*, Ministry of Justice, Statistics Bulletin, Jan 2011

Evidence base

Transphobic hate crime

Transphobic hate crime continues to be one of the main priorities which need to be addressed. In research⁶ carried out by Galop, it was noted that:

- 73 per cent of trans people surveyed experienced some form of harassment in public ranging from comments and verbal abuse to physical violence;
- 21 per cent stated that they avoided going out because of fear of harassment;
- Home Office estimates that 80 – 90 per cent of hate crime is not reported.

Press for Change has noted that 46 per cent of trans surveyed people have stated that they had experienced harassment in their neighbourhoods.⁷

There are a number of barriers for trans people when it comes to the reporting of transphobic hate crime. In June 2010, a diverse range of organisations representing trans people (see appendix 2) attending the GLA's annual trans engagement meeting, reported that their experiences of hate crime were frequent, ranging from 'low level' to more violent experiences. Often the fear of transphobia from front line MPS staff was a barrier for reporting the crimes. In such instances the importance of ensuring third party reporting was emphasised as well as effective diversity training of MPS staff.

In their research document, *Filling in the Blanks*, Galop⁸ noted that:

- there was a lack of consistency of third party reporting services across London, with no minimum standards in existence;
- there was no evidence base identifying what makes an effective hate crime initiative;
- there was little guidance for organisations and inconsistent involvement of the MPS, or of LGBT police liaison officers in third party reporting initiatives locally.

Further, it was suggested that in order to increase confidence within the trans community in the reporting process, and seek to increase the Sanction Detection Rates, Galop noted⁹ that:

- it would be useful to include transphobia within hate crime focused information resources and work with partners to develop awareness of the issues within hate crime services;
- effective training for frontline staff on the equality needs experienced by the trans community;

⁶ *Addressing LGBT Safety Within London Borough Community Safety Strategies & Partnership Plans*
A Submission by Galop, 2011

⁷ *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*,
Press for Change, Stephen Whittle, Lewis Turner and Maryam Al-Alami, 2007

⁸ *Filling in the Blanks*, Galop; 2009

⁹ *Addressing LGBT Safety Within London Borough Community Safety Strategies & Partnership Plans*
A Submission by Galop, 2011

- regular checks of incidents occurring in LGBT sensitive locations to measure the scale of mis-recorded hate incidents;
- monitor and decrease fear of crime in local LGBT communities through, for example, running an annual online survey for LGBT residents to measure baseline fear of crime and community confidence in safety services.

Health inequalities faced by the trans communities

In their research, *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*¹⁰, Women's Resource Centre noted that:

- services for treatment and support for trans people are haphazard;
- many GPs have no knowledge of trans issues and there is a general lack of information within health services;
- 20 per cent of trans people found their GP unhelpful, 21 per cent of respondents' reported that their GPs did not want to help, six per cent refused any help, and another 14 per cent said that clinicians knowing that they were trans negatively effected their care;
- many trans people feel that their gender identity adversely affects the way that they are treated by healthcare professionals;
- there are often problems receiving funding for treatments for gender reassignment from Primary Care Trusts and waiting times for assessment;
- it was critical to train staff on the specific needs of the trans community. This should include education on what it is to be a trans person, trans patient's rights, including the right to dignity, decency and respect, and especially the right to privacy as afforded by the Gender Recognition Act 2004.

Employment

The research carried out by Press for Change¹¹ notes that:

- the area of employment was the most problematic for trans people. The research indicates that trans people repeatedly face harassment at work, dismissal from employment or a significant change in working conditions at the point of beginning to live in their acquired gender;
- transition in a place of work is a major trigger point for experiencing inequality and discrimination;
- of those respondents who stated they were not living full-time in their acquired gender, 42 per cent stated that it was their job or workplace which was preventing them from doing so.

The Equality Act reaffirms the responsibility of public sector obligations to have policies in place to support those employees who are intending to undergo or are undergoing gender reassignment. Such policies should ensure that trans people are not unlawfully discriminated against.

¹⁰ *In all our Colours*, Women's Resource Centre, 2010

¹¹ *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*, Press for Change, Stephen Whittle, Lewis Turner and Maryam Al-Alami, 2007

The legal requirements are that employers must not discriminate on gender reassignment grounds:

- at the recruitment stage
- during employment - this covers equal treatment in promotion, training, transfer, and access to employment related benefits, including pay as well as a working environment free from harassment on the grounds of gender reassignment
- when ending employment - this covers dismissal and selection for redundancy.

Transphobic bullying

The issue of transphobic bullying continues to be a critical problem. Though the Mayor has no remit in the area of education, it is worth noting given the gravity of the issue and its consequences for the young victims.

Tackling 'prejudice-based' bullying has been noted as a priority by the current Coalition Government work. The government's Equality Strategy¹² states that they would 'work with anti-bullying organisations to support schools in tackling all forms of bullying, including homophobic and transphobic bullying.' In addition, they 'will reinforce this through the streamlined guidance on bullying and have included actions to tackle bullying in the Schools White paper'¹³. This White Paper, entitled the *Importance of Teaching*, notes the need to empower head teachers to take a strong stand against bullying, especially racist, homophobic and other prejudice-based bullying.

Though this issue is currently attracting more political support, the evidence on its severity has been well documented previously. Press for Change¹⁴ paint a stark picture:

- some 64 per cent of young trans men and 44 per cent of young trans women will experience harassment or bullying at school, not just from their fellow pupils but also from school staff including teachers;
- physical abuse and even unwanted sexual behaviours occurred in a majority of these cases;
- about a quarter of the people who participated in the survey had been bullied by teachers;
- 28 per cent stated that they had moved to a different neighbourhood because of their transition.

The picture is a painful one with tragic consequences on a person's well being and ability to achieve within the school system.

¹² <http://www.equalities.gov.uk/pdf/GEO%20Equality%20Strategy%20tagged%20version.pdf>

¹³ <http://www.education.gov.uk/publications/eOrderingDownload/CM-7980.pdf>

¹⁴ *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*, Press for Change, Stephen Whittle, Lewis Turner and Maryam Al-Alami, 2007

Engagement

The GLA facilitates annual engagement meetings with London's trans community groups. These meetings are chaired by the Statutory Deputy Mayor of London and are an opportunity for the community to inform the development of key Mayoral strategies and policies and ensure trans equality is mainstreamed across the GLA group.

At the engagement meeting held in November 2010, a range of community organisations (see appendix 4) noted the key priorities where the Mayor could have the biggest impact to trans equality. The suggestions included:

- researching and documenting the increasing numbers of trans people in London;
- addressing the issue of substance abuse within the trans community;
- addressing the negative portrayal of the trans community in the media;
- engaging with the health services to ensure they are undertaking equalities monitoring on the trans community;
- appropriate equality and diversity training to ensure front-line staff within the health services are aware of the specific needs of the trans community as often mainstream services are not always appropriate and often discriminate or show prejudice against the trans community.

Policy areas where the Mayor can have the biggest impact

GLA as an employer

The GLA has a number of policies and procedures to ensure fair and open recruitment processes. Though regular workforce equality reports are submitted to a committee within the London Assembly¹⁵ to monitor the number of employees within the various equalities groups, due to the very sensitive nature, the small numbers and the importance of protecting an employee's trans identity, information on the number of trans members of staff would not be made publicly available.

In addition, the GLA's Dignity and Inclusion at Work Policy looks to provide a workplace where every employee is treated with respect. As part of this policy, employees attend a course equipping them to understand what diversity and inclusion means within their role as well as how to recognise and challenge inappropriate workplace behaviour. The GLA also has a *Code of Ethics*¹⁶ which sets out the GLA's expectations of its employees. This includes promoting equal opportunities, stopping discrimination, ensuring fair treatment and robust disciplinary and grievance procedures.

The GLA has a trans policy which outlines the legal framework the GLA operates within as an employer. It provides advice and guidance for managers for managing trans staff. This includes guidelines on issues such as time off for medical treatment, record changes and

¹⁵ <http://www.london.gov.uk/moderngov/mgCommitteeDetails.aspx?!ID=132>

¹⁶ http://legacy.london.gov.uk/assembly/rulebook/code_ethics.pdf

privacy, as well as signposting to appropriate sources of information as required. The GLA has worked with a range of trans stakeholders to review the trans policy at its annual trans engagement meeting on July 2011.

Crime and community safety

The Mayor has made combating hate crime a priority. The Hate Crime Forum was re-launched in summer 2009 with a new remit as the MPA Hate Crime Forum. This broader remit encompasses a more inclusive focus across the equality strands.

The MPS has also undertaken the following initiatives:

- Awareness training for officers dealing with LGBT-related crime.
- The MPS is also working more closely with organisations such as Stonewall, GALOP and others to ensure positive messages are shared within the LGBT community to support and re-establish greater confidence of the MPS response to victims of hate crimes.
- The MPS has set targets for all boroughs to improve on previous sanction detection rates (where the hate crime perpetrator has been cautioned or charged). The MPA, through the work of the MPA Hate Crime Forum is monitoring the work of the MPS in achieving those targets and is anticipating the sharing of good practice across London to further improve the MPS response.
- The MPA and MPS have sought to ensure that all hate crimes are dealt with appropriately and are working closely with the wider criminal justice organisations to ensure hate crime remains high on strategic and local agendas across London.

Health

The Mayor has a statutory responsibility to produce a Health Inequalities Strategy and this was launched in 2010. There are specific actions to combat the health inequalities experienced by equalities groups. This includes promoting community development approaches to improve health, actively supporting the role of the third sector and seeking to improve the accessibility of health and social care services to enable excluded groups to make effective use of relevant services.

Planning and designing out crime

The Mayor has a statutory duty to produce a *London Plan*¹⁷ and, through this, he can use his influence to help design out crime and create an environment which makes communities particularly vulnerable to crime, such as trans people, feel safer and less vulnerable to transphobic hate crime.

The strategic principles of the *London Plan*¹⁸ indicate that:

¹⁷ The *London Plan* is the Regional Development Strategy for London. It outlines the strategic objectives of the GLA in terms of developing London, and how these will be implemented by local boroughs. All London boroughs will use this to form their own local development frameworks to inform planning decisions.

<http://www.london.gov.uk/thelondonplan/>

¹⁸ *London Plan*, 2009, GLA

- development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating;
- routes and spaces should be legible, overlooked and well maintained to maximize activity throughout the day and night;
- buildings should be laid out in a way that clearly defines and overlooks private spaces, and should protect public spaces by providing opportunities for casual surveillance and activity;
- pedestrian, cyclist and vehicular routes should be well defined and integrated, and limit opportunities for concealment.

Conclusion and going forward

Going forward, the Mayor has the opportunity to use his influence within the MPA to continue to combat transphobic hate crime. This could mean, potentially, supporting existing work undertaken by community organisations to demonstrate the Mayor's commitment.

The Mayor will also continue to work to increase safety on transport.

Appendices

Appendix 1

The Equal Act 2010 places a duty on public sector organisations to demonstrate that they have paid due regard in their policies, practices and procedures will seek to eliminate unlawful discrimination, harassment and victimisation and any other conduct which is unlawful under the Equality Act 2010; advance equality of opportunity between the various equality groups, this means in particular:

- a. Removing or minimising disadvantages suffered by people who share a protected characteristic;
- b. Taking steps to meet the needs of people who share a protected characteristic that are different from the needs of people who don't have that characteristic;
- c. Encouraging people who share a protected characteristic to participate in public life or in any other activity in which their participation is disproportionately low.

In addition, the General Duty states that public sector organisations must pay due regard in fostering good relations between people who share a protected characteristic, and those who don't have that characteristic. This means, in particular:

- a. Tackling prejudice and
- b. Promoting understanding;

Appendix 2

From <http://www.grp.gov.uk/>

The Gender Recognition application process requires you to demonstrate that:

- A person has, or has had, gender dysphoria;
- A person has lived fully for the last two years in their acquired gender, and
- A person intends to live permanently in their acquired gender (new gender)

If a person is successful in obtaining Gender Recognition, he or she will be legally recognised for all purposes in their acquired gender. As a result of this legal recognition, they will be able to marry someone of the opposite legal gender or to form a civil partnership with someone of the same gender. They will be able to retire and receive state pension at the age appropriate to their acquired gender. In addition, a person whose birth was registered in the United Kingdom will be able to obtain a new birth certificate showing his or her legally recognised gender.

The Gender Recognition Panel, made up of judicially trained legal and medical members, will assess applications. The panel will sit in private and consider the documentary evidence supplied by the applicant in support of their application.

Surgery is not a prerequisite for obtaining a Gender Recognition Certificate.

Appendix 3

Attendees at the GLA's Annual Trans meeting, chaired by the Deputy Mayor of London, Richard Barnes, 6 June 2010

TransLondon	Galop
WayOut Publishing Co Ltd	FTM
Spectrum London	Richmond Upon Thames LGBT Forum
CPS Islington	Gender Identity Research and Education Society
Stonewall Housing	
CPS Haringey	
Kingston University	
Greater London Authority	
Pride London	

(other regular attendees)

Kairos in Soho
Croydon Crocus & Aurora
NON-GENDERED – Fighting for Legal Recognition
UNISON Greater London Region, LGBT Committee
Met Police, Transgender Staff Support Association

Appendix 3

Attendees at the biannual LGBT engagement meeting, November 2010

MPS LGBT Advisory Group
Bede House Association
UK Lesbian & Gay Immigration Group
GIRES
17-24-30 No to Hate Crime Campaign
SPECTRUM
LGBT Domestic Abuse Forum
Beit Klal Yisrael
GIRES
Richmond upon Thames LGBT Forum
Age Concern - Opening Doors Project
New Ventures
Beatbullying
Regard - National Organisation of disabled LGBT People
TfL LGBT Staff Network Group
London Lesbian Kickabouts
London Metropolitan Police
LGBT Consortium
London Probation Trust
Stonewall Housing
Grace's Cricket Club
TransLondon
Vinvolved Central London
BoldFace Productions
Gay Authors Workshop
Gay & Lesbian Association of Doctors and Dentists
Fruit Vox
Press for Change
Albert Kennedy Trust
Stonewall
Gingerbeer