



11. Tackling Transphobia: A Guide for Safety Services

This information sheet provides information advice for criminal justice and other safety services, such as police, councils, charities and the Crown Prosecution Service, on transphobia and transphobic hate crime.

Trans people can face high levels of prejudice and hate crime, which service providers have a responsibility to tackle. The information in the first section below will help service providers recognise transphobia and transphobic hate crime and the second will enable them to properly record and tackle incidents. The final section demonstrates how to create a safe and welcoming environment for trans people.

Section 1: Recognising and understanding transphobic hate crime

What is transphobia?

Transphobia is an intolerance of people whose appearance or behaviour challenges gender expectations and norms. An example of a non-criminal expression of this is purposely using the wrong male or female pronouns to refer to trans people.

What is transphobic hate crime?

Service providers should treat any criminal offence or non-criminal incident as transphobic if the person who experienced it or anyone else who witnessed the incident feels it was motivated by transphobia. Transphobic hate crime can include:

- Harassment or violence from strangers, neighbours or service providers
- Sexualised or generally unwanted attention or touching
- Abuse relating to gender from family or a partner

Section 2: Recording and tackling transphobic hate crime

Make reporting worthwhile

Services do not always get things right for people facing transphobic hate crime, which can result in some trans people losing confidence in the value of reporting. Enable service users to feel that telling you was worthwhile. Remember that for every transphobic crime someone tells you about, there are likely to be many more that never get reported.

Record hate crimes and non-criminal hate incidents

If someone believes a crime or non-criminal incident was transphobic, they have a right to have it recorded as such by the police. However, very few transphobic offences ever get recorded, despite some people experiencing transphobia regularly. You can help by ensuring reports of transphobia are recorded as a hate crime or non-criminal hate incident, even if you do not agree with the reporting person that there was a transphobic motivation behind it or believe an immediate response is feasible.

Recognise trans intersectionality

When someone reports a crime that they feel had multiple types of hate motivation, such as transphobic and racist, it is their right to ask police to record it under several hate crime categories. Ask open questions about motivation; support service users in determining their own account of events and bear in mind that a crime or incident may have been motivated by multiple intersecting types of prejudice.

Consider a range of options

Prosecution of transphobic hate crimes may not be a realistic prospect for everyone. Courts are especially difficult for trans people to navigate because, for example, of genuine fears about being 'outed' by press coverage. Help trans people to explore a range of options in addition to court such as emotional support, charity advocacy, trans social groups, anti-social behaviour measures or restorative justice. Also, remember that the Crown Prosecution Service can ask a court for press reporting restrictions in some situations and trans people can seek 'special measures' in court in some circumstances to help them give evidence. For more details visit www.cps.gov.uk/legal/s_to_u/special_measures.

Use correct pronouns and titles

Be guided by someone's preferred name and gender pronoun ('he', 'she', or something else), regardless of how they look. That applies to written records and spoken conversation. It is fine to ask a trans person, 'what name would you like me to use?' or 'how would you like me to record your gender?' Using the wrong name or pronoun on purpose when communicating with or referring to someone is disrespectful. People who identify as men or towards the masculine end of the gender spectrum (assigned female at birth) are described as 'trans men' and those assigned male at birth who identify as women or towards the feminine end of the spectrum are 'trans women'. Some people have a more fluid approach to gender and may be somewhere in-between, or outside, the gender spectrum.

Avoid intrusive questions

You do not need to know if someone has had surgery or whether they have a Gender Recognition Certificate, so don't ask. Also, trans people can find it offensive to be asked for their 'real name'. As above, it is good practice to call service users by the name they have asked you to use and to record personal details according to their self-identified sense of who they are.

Maintain confidentiality

Privacy is an important issue for trans people. It is your legal duty to put service users in control of how and with whom you share their information. Be clear about your confidentiality policy. Store information securely. If there's a good reason for communicating someone's identity to another service, consent must be sought for each new person you disclose to. Disclosing that a person is trans without their consent may breach the Data Protection Act 1998. It may also be an offence under section 22 of the Gender Recognition Act 2004, which carries a fine of up to £5,000. For details about legal trans privacy protections visit:

www.galop.org.uk/wp-content/uploads/2014/05/Trans-Privacy-A4.pdf

Section 3: Creating a safe and welcoming environment

Be a trans-positive employer

Eliminating workplace discrimination is a legal duty, but going further by becoming a trans-positive employer sends a message that you're serious about tackling transphobia. Steps toward this can include:

- Publicise vacancies among trans networks and ask inclusive gender monitoring questions on your recruitment form
- Recognise that some people have justifiable gaps in their CV from career breaks while transitioning
- Keep an open mind about references (many people lose their jobs because of discrimination)
- Make sure personal information is secure
- Ensure sickness and leave policies allow reasonable time off for trans-related therapies or surgeries in the same way as any other medically necessary treatment
- Include trans-positive messages in your publicity and website
- Display trans-inclusive literature and posters in public spaces
- Ask local groups if your forms are trans-friendly
- Invite a speaker from a local group to a team meeting
- Send trans information resources to colleagues
- Challenge transphobic attitudes when you see them.

Reach out

Find out about trans social groups and events in your area. Start dialogue with trans communities to build trust and tell them about your organisation. Consult them on changes to your service. Get them involved in your organisation, for example through independent advisory groups, consultative groups or management committees.

Further reading

Galop (2011), 'Shining the light: 10 keys to becoming a trans positive organisation'. Available at:

www.galop.org.uk/wp-content/uploads/2011/05/final-shine-report-low-res.pdf

