



# **Guidance For Supporting Trans Women For Women's Aid Groups in Scotland**

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## **1. Introduction**

Press for Change and the Scottish Transgender Alliance estimate that there are between 1500 and 4500 transgender people in Scotland, including about 600 who intend to undergo, are undergoing or have undergone gender reassignment.

Responding appropriately to requests for support from transgender women, children and young people (WCYP) will help to ensure that women's organisations not only meet legislative requirements but offer the most appropriate services to meet the needs of transgender WCYP.

## **2. Purpose of this guidance**

The key purpose of this guidance is to assist Women's Aid groups in Scotland to better understand the support requirements of transgender WCYP and the requirements under the legislative frameworks.

It looks to help women's organisations to overcome the practical challenges they may face in reaching the legal requirements for transgender equality.

This guidance recognises that there may be circumstances when it is not appropriate for a transgender individual to access services provided by women-only organisations. However in order to ensure that organisations meet the requirements placed on them by law this guidance provides suggestions for ways in which organisations could appropriately deal with requests. It should however be borne in mind that each case should be dealt with according to the circumstances of the individual making the request. As with other women accessing services an appropriate assessment should be made of whether the organisation is able to provide support.

## **3. Gender-based violence and the transgender community**

Transgender women and young people, like all other women and young people, may experience Gender-Based violence in their lifetime, including domestic abuse, and are entitled to support from organisations best suited to provide such support.

Gender-based violence has been described as '*any form of violence used to establish, enforce or perpetuate gender inequalities and keep in place gendered orders. In other words gender-based violence is a policing mechanism*' (Lang 2002).

Gender-based violence incorporates all violence against women. However it also includes violence against lesbian, gay, bisexual and transgender (LGBT) people in the form of homophobic and transphobic hate crime, domestic abuse, homophobia/transphobia/harassment in the workplace and homophobic/transphobic family abuse. It is any kind of violence used to maintain gender orders and LGBT people experience this on the basis of their sexual orientation or gender identity and expression which steps outside of what is perceived to be the gender norm.

Transgender women and young people experience discrimination and abuse from the same gender-based system all other women and young people, including domestic abuse. Research around LGBT people's experience of domestic abuse suggests that 1 in 4 LGBT people will experience domestic abuse in their lifetime. Although very few respondents in that research were transgender, anecdotal evidence would suggest that transgender people may experience domestic abuse in even higher proportions, with figures possibly as high as 1 in 2 transgender people experiencing domestic abuse in their lifetime. This is undeniably a problem which needs to be tackled and appropriate support made available.

The domestic abuse that transgender women and young people experience may be further compounded by the discrimination and abuse they may have experienced in other areas of their lives. Transphobia on a regular basis throughout their lives may result in a trans woman/young person being unable to identify what they are experiencing as domestic abuse. This kind of transphobia may result in low self esteem and increased vulnerability and inability to identify abusive behaviour from a partner.

Transgender women and young people can experience domestic abuse in the same ways as all other women. This includes emotional abuse, sexual abuse and physical abuse. The abuse is often coupled with the additional tools of abuse, highlighted in the following paragraphs, targeting gender identity or gender expression.

A person's gender identity can be used by an abuser as a powerful tool of abuse and control. For example a trans woman may experience transphobia from her partner. They may tell her that she's not a *real* woman or make jokes about her bodily appearance. They may also sexually abuse their partner by touching parts of her body she is not comfortable having touched, even by herself. Some trans people report that their abuser normalises the abuse by telling them that they wouldn't experience jokes, name calling, even violence if they were not transgender and not *pretending to be someone that they're not*. This internalises feelings of transphobia and is serious mental and emotional abuse. Transgender people may also be isolated from family and friends due to discrimination experienced on grounds of their gender identity or gender expression, which leaves support from family and potentially friends inaccessible. The isolation a person can experience due to domestic abuse can be further compounded by this.

## 4. What is gender?

We live in a world where being male or female, man or woman is generally regarded as a fundamental, taken-for-granted fact of existence. The beliefs which underpin this binary division of humankind include:

- There are two human genders, and only two
- Being either male or female is a biological fact – it's the way things are, it's 'natural'
- Once male or female, always male or female
- Genitals are the essential defining feature
- Sex and gender are typically used as interchangeable terms to describe this division

This outlook implies that biology (and/or genetics) determines not only whether someone is a man or woman, but also the social roles they play. So a biological female by definition is expected to live, behave and act in particular ways – because it's 'natural', and can be 'read from the body'. Since the 1970s, feminists and others have challenged the essentialism of this perspective by making a distinction between **sex** and **gender**.

According to this important distinction, **sex** refers to the biological characteristics (anatomical and genetic) which distinguish the human species as male and female. These relate to the system of reproduction, but do not themselves determine the differences in non-reproductive roles, behaviours, status or qualities which are attributed in any given social context to women and men. Biological theories or ideological belief systems which claim a dichotomy of natural, innate and immutable *social* distinction between *biological* male and female human beings are demonstrably wrong. The idea of two sharply differentiated sexes is largely a social creation, unsupported by any 'natural order'. It has required constant vigilance and coercion for its historical maintenance. The concept of gender has been utilised to analyse and critique this dualist essentialist position.

**Gender** refers to the array of socially constructed roles, traits, attitudes, behaviours, values, responsibilities, relative power, status and influence ascribed to male and female humans on a differential basis. Gender ascriptions (masculinity/femininity) are not biological, but learned. They are changeable over time, contested and vary widely within and across cultures. Gender refers not simply to women and/or men, but to the relationships between and among them, and to the social structures, practices and mechanisms which affect our everyday lives. Gender identities condition the way human beings are perceived, and how they are expected to think and act. Women and men are made, not born.

This gender theory has been a powerful resource to understand gender inequality as rooted in social construction of human identities and societies, not 'just the way things are'. It has enabled us to highlight that domestic abuse has been normalised by social

expectations about men's privilege and entitlement, and to challenge the traditional norms governing gender order in our society.

But by and large, our thinking and attitudes about gender remain firmly fixed in a binary mode: male and female; masculinity and femininity; man and woman. This has been challenged by people who do not fit into the conventional either/or identities, but have to live in a world which recognises only male and female. In such a world, transgender people are particularly vulnerable to prejudice, discrimination and abuse.

### ***Some key concepts about gender***

#### **Gender Assignment**

When a child is born, a doctor or midwife takes a quick glance at the baby's genitals and declares the baby a boy or a girl. The tyranny of pink and blue (or khaki) begins, and most people grow imperceptibly into these gender assignments through a process of socialisation, accepting them as their gender identity.

#### **Gender Attribution**

Assumptions about gender are fundamental to social interaction. We determine the gender of other people in the first seconds of meeting by unconsciously observing and analysing a huge number of different gender-associated cues like clothes, body shape, voice, face shape, mannerisms and behaviour.

#### **Gender Performance**

We also signal our own gender using these cues. For the majority of people, a range of gender-associated cues may be used, along a masculine-feminine spectrum. Not all men are hyper-masculine, and not all women practice 'emphasised femininity' (Connell), but nevertheless there is a general sense of 'fit' between gender expression and assignment. For a minority of people not everything matches up as expected.

#### **Physical Body**

Includes all aspects of gender-related biological structure: not only genitals but also internal reproductive system, chromosomes and secondary sexual characteristics such as breasts, facial and body hair, voice, and body shape.

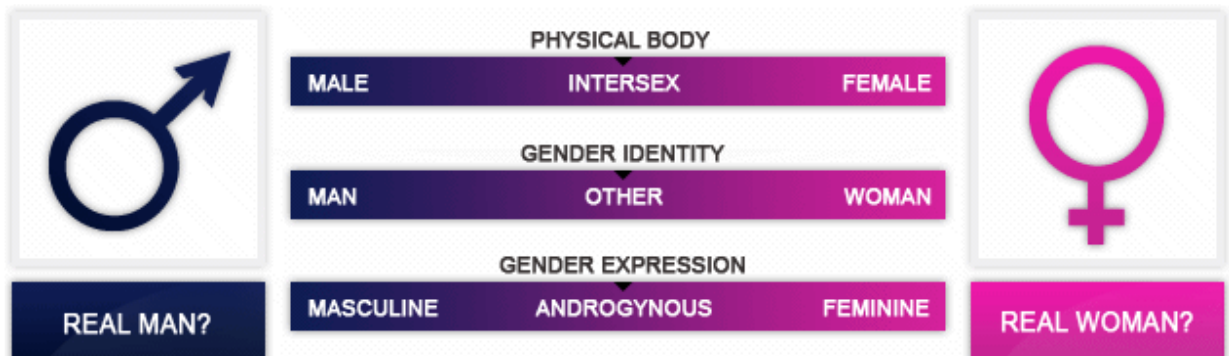
#### **Gender Identity**

An internal sense of where you exist in relation to being a man or a woman.

#### **Gender Expression**

External gender-related clothing and behaviour (including interests and mannerisms).

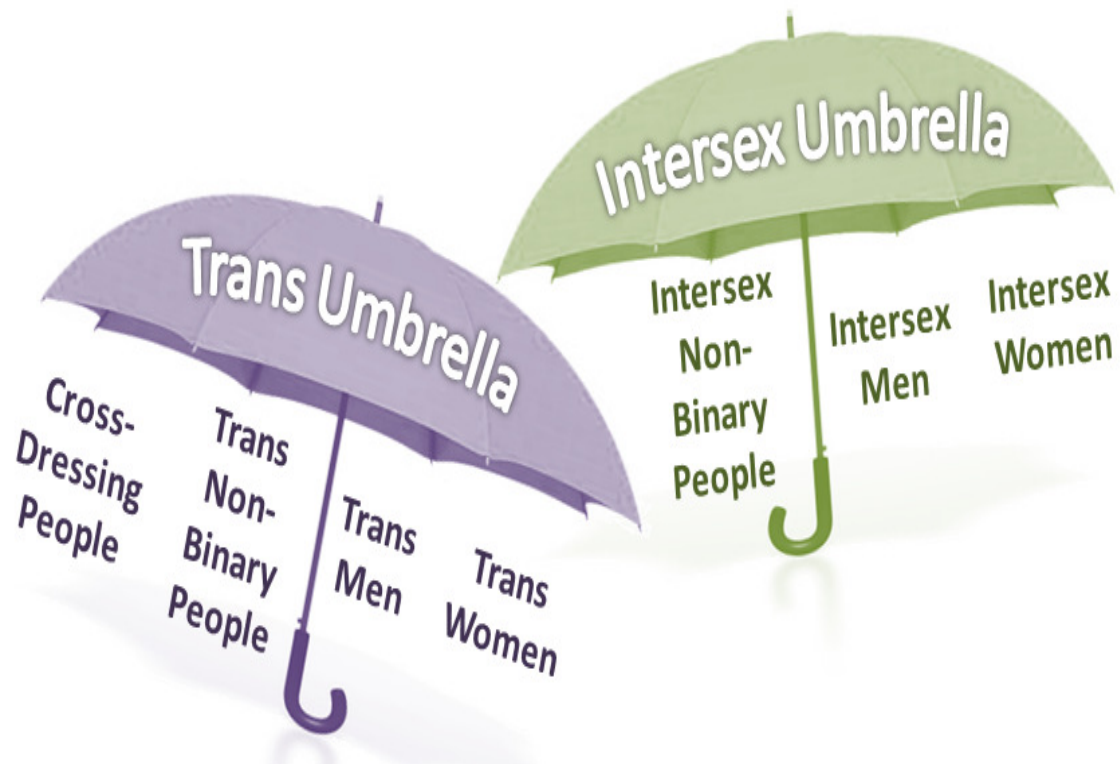
It can feel uncomfortable and difficult to try to think in depth about something usually determined easily without any conscious thought. But a useful way to think about gender is indicated in the diagram shown below, which separates gender into three different scales:



For every imaginable combination of positions on each of these three scales, there are currently a number of people in the UK for whom that combination is their daily experience of their gender. Unfortunately, while nature loves variety, society tends to prefer similarity and conformity, so there is often a lot of pressure, in the form of harassment and discrimination, to try to force people not to reveal any gender variance.

Scottish Trans and intersex umbrellas

(<http://www.scottishtrans.org/guidance/transgender-umbrella/>)



In Scotland, it is currently common to use the terms **transgender people** or **trans people** as an 'umbrella' to cover the many diverse ways in which people can find that their personal experience of their gender differs from the assumptions and expectations of the society they live in. (Scottish Transgender Alliance)

Over the past few years in Scotland intersex equality work was carried out under the trans umbrella. However it is important to recognise that intersex status is distinct from trans status.

## 5. History of feminism and transphobia

Feminists have challenged biology as the basis for gender roles as they felt the biological differences between men and women were not enough to account for the substantial differences in gender roles and status. Even with this understanding of the divide between biology and gender, some feminists have used biology to discriminate against trans people.

Feminists have always had an understanding of the need to self-identify. The definition of being a woman was based on appearance, roles and behaviour, which were created ultimately by anti-feminist men. Feminist women refused to be identified as women in this way, knowing that being a woman included reclaiming some of the attributes not traditionally seen as feminine such as wearing trousers, having jobs outside the home and desiring other men and women.

In the history of women making choices (to wear trousers rather than skirts, to work in jobs previously dominated by men and to take control of their reproduction), those who perceived this as a threat and wished to uphold the gender norms often branded women who did make these choices as not *real* women. Yet the fact that these women were stepping outside the gender norms of their day did not mean that such women would no longer identify as women. The same applies to trans women, who know their own gender identity and know themselves to be women.

The oppression of trans women **is** a women's issue. Sexism and transphobia go hand in hand, as the oppression of women is grounded in the belief that there are two distinct genders and only two. Trans people suffer oppression from the same gender-based system as heterosexual and lesbian women who were biologically born as women.



## 6. UK gender reassignment legislation

The foundation for delivering non-discriminatory services must be in compliance with UK anti-discrimination law. This section details the relevant legal considerations for our practice.

### **The Equality Act 2010**

The Equality Act 2010 came into force on 1<sup>st</sup> October 2010. The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It simplifies, strengthens and harmonises the current legislation to provide a new discrimination law which protects individuals from unfair treatment and promotes a fairer and more equal society.

The Protected Characteristics provision of the Equality Act 2010 makes it unlawful to discriminate against someone who 'intends to undergo, is undergoing or has undergone gender reassignment'. Gender reassignment is defined within the Act as 'a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such process'. However, it is important to remember that this does **not** necessarily mean genital surgery. The procedures undertaken when someone permanently changes his or her gender role will vary according to the circumstances of the individual, as in any other medical treatment.

The Act makes it clear that it is unlawful to discriminate on the grounds of gender reassignment in employment (recruitment, promotion, access to benefits, selection for redundancy, vocational training etc.).

For more information on recruitment and employment of transgender workers – check page 16 of the Stronger Together guidance using the following link:- [https://www.lgbtyouth.org.uk/files/documents/DomesticAbuseResources/single\\_sex\\_service\\_trans\\_guidance.pdf](https://www.lgbtyouth.org.uk/files/documents/DomesticAbuseResources/single_sex_service_trans_guidance.pdf)

The Equality Act 2010 also extended protection from harassment by explicitly making an employer liable if an individual is harassed by a third party (such as a member of the public using a service) during the course of employment, in circumstances where the employer knows that the person has been subjected to such harassment on at least two other occasions (whether by the same or a different third party) but has failed to take steps to prevent it.

### **Gender Recognition Act 2004**

This Act of Parliament gave legal recognition to transsexual people following a permanent change of gender. It sets out the process for individuals to apply for a Gender Recognition Certificate (GRC) after being assessed by a medical gender

specialist doctor as having gender dysphoria and providing confirmation that they have been living full-time in their acquired gender for at least two years and intend to remain living in their acquired gender for the rest of their life. It is not necessary for someone to have undergone gender reassignment surgery to receive a GRC.

Once a full GRC is issued to a person, their legal sex/gender henceforth becomes for all purposes their acquired gender – including for marriage and civil partnership purposes and for employment in posts where a Genuine Occupational Qualification to be a particular sex/gender applies. People with a GRC can apply for a corrected birth certificate if their birth was registered in the UK. A person who has received a GRC is not required to show their GRC to others such as employers or service providers. It is not an identity document and will not be carried on the person.

It is very important to note that employers and service providers must change, on first request by an individual, their name and gendered title (i.e. Mr, Ms) on all their employment or service user records, identity badges and future correspondence. All that the individual needs to state in their request is that they are starting a process of gender reassignment to live permanently in their acquired gender.

Transsexual people do not need to show a Gender Recognition Certificate in order to change name and gender on their day-to-day documents and records. Indeed, as it is necessary to live fully in the acquired gender for at least two years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow this change in name and gendered title at the start of an individual's gender reassignment process would unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and consequently would be discriminatory.

## **7. Single Sex and Occupational Requirements and employee gender reassignment**

Single Sex Occupational Requirements apply to many jobs within women's organisations in such a way that only legal females may hold the post. There are four key situations for which it is vital to understand how the Single Sex Occupational Requirement may interact with an individual's gender reassignment status.

### **1. Existing female occupational requirement post holder starts undergoing FTM gender reassignment:**

Where an existing employee in such a job decides to begin undergoing gender reassignment from female to male, the employer should support the employee to move into a non-occupational requirement role if such a role is available or support the employee to gain other suitable employment. The employer must be able to show that an occupational requirement applies to that particular job, and that the way they have treated the individual is reasonable in all the circumstances. Even if an occupational requirement applies, there could still be unlawful discrimination if the employer behaves unreasonably.

There will be at least a two year period between the person beginning gender reassignment and their legal sex changing by virtue of an application for a Gender Recognition Certificate (the point at which they would legally be unable to hold the occupational requirement post any longer). In addition, changes in physical appearance can take several months to become noticeable during the early stages of gender reassignment. Therefore, it would be likely to be considered unreasonable to simply immediately dismiss such an employee. Good practice would be to work collaboratively with the employee to mutually agree the timescale for their transition from female to male, recognising that this may include the option of continuing in the occupational requirement post while presenting in an androgynous manner for a period of weeks or months during the early stages of gender reassignment. The aim should be to support the employee in finding a new non-occupational requirement job so that they can ideally change jobs smoothly without the financial hardship associated with a period of unemployment.

### **2. New applicant for a female occupational requirement post has previously undergone MTF gender reassignment and has received full gender recognition as legally female.**

Where an individual has transitioned from male to female and has received gender recognition in her acquired gender of female, then she must be treated the same as any other woman applying for the job. It is unlawful to use any knowledge of her gender reassignment history as a reason to refuse her the job (unless the job is within a religious organisation) as the limited temporary exceptions all cease to apply once someone has received full gender recognition in their acquired gender.

If you are recruiting for a female occupational requirement post, it is lawful to ask all applicants to show they are legally female. It is not necessary for trans women to show a birth certificate, but it is expected that, for all staff and volunteers, the documentation produced as part of the disclosure process (e.g. passport, driving licence or equivalent) shows that they are living as women.

**3. New applicant for a female occupational requirement post has previously undergone MTF gender reassignment but has NOT received full gender recognition as legally female.**

Where an individual has transitioned from male to female but has not received full gender recognition and therefore still has a male birth certificate, this can be taken into account during the recruitment decision process. However, the fact that a transitioned transsexual individual has not received full gender recognition does not prevent the employer from deciding to recruit the applicant to a single sex occupational requirement post. Indeed, there remains an onus on the employer to show that they acted reasonably. Consideration should be given to the value being placed on legal documentation of one's birth sex and whether requiring that employees *identify* as women (with other documentation such as legal names) is sufficient for the role.

**4. New applicant for a female occupational requirement post has only recently started undergoing MTF gender reassignment and is not yet eligible to apply for gender recognition as legally female.**

Where an individual is still in the early stages of undergoing gender reassignment from male to female and has been living as a woman for less than two years, then she will not yet be eligible for legal gender recognition. In such a case both the single sex occupational requirement exception and also the temporary 'early stage' exception may apply, where a post requires the holder to provide vulnerable individuals with personal services.

## **8. Providing a service**

As soon as someone is clear in their intention to permanently change the gender role in which they live, they count as having the Protected Characteristic of gender reassignment.

If they are still living in their birth gender role and have not yet changed their legal name etc, then Women's Aid groups will probably not have many, if any, services (other than perhaps one-to-one counselling support) which could be provided to them as they would not yet be living as a woman.

Organisations need to consider that transwomen in abusive relationships may have been restricted from identifying or expressing as women and may not have had the confidence to express as women in many spaces. It is therefore important to create a space where they begin to feel comfortable expressing as women. One to one support

may be necessary for their initial contact, with the understanding that as they then begin to live as women the support need may need to be reviewed.

Once someone has started to live as a woman then, even if she is not undergoing any medical procedures to assist this, she should be referred to consistently as a woman and care taken to provide a service that treats her as such. Every woman is different and we understand that treating all women the same does not mean an equitable service. We take account of all sorts of difference e.g. physical ability, race, religion, sexual orientation. As such, it is important to think about what individual trans women needs are and address them. For the purposes of accommodation within a women's refuge, you will only need to consider access to a refuge as a possible service for those who are living as women and not for those who are still living as men.

Due to the perception and association protections included within the Equality Act 2010, we suggest it is safest legally to deal with all enquiries from transgender service users as though they are potentially protected under the Equality Act 2010 and do individual assessments to find the extent to which you can provide a service to them and what differences in service are necessary and proportionate. However, it will be easy to show proportionate different treatment for those who have not yet started living as women.

## **9. Resolving Difficulties**

### **Complaints from Other Service Users**

These should be dealt with in the usual way, through the organisation's complaints policy. However the organisation has a legal duty not to discriminate. While thought should be given to how services are provided in order to protect the dignity and rights of all service users, a possible complaint from other service users should not be used as a reason to justify services not being provided.

### **Lack of staff expertise**

Individuals within organisations may be reluctant to provide support due to a lack of knowledge around transgender issues. Organisations should ensure that staff who may have difficulties due to a lack of knowledge are provided with appropriate support and training.

Discussions of the issues within teams can also help, as can partnership working.

## 10. Further Resources

Equality Network

<http://www.equality-network.org/Equality/website.nsf/home?OpenForm>

Scottish Transgender Alliance

<http://www.scottishtrans.org/>

<http://www.scottishtrans.org/wp-content/uploads/2013/03/staexperiencessummary03082.pdf>

LGBT Domestic Abuse Project <http://www.lgbtdomesticabuse.org.uk/>  
[https://www.lgbtyouth.org.uk/files/documents/DomesticAbuseResources/single\\_sex\\_service\\_trans\\_guidance.pdf](https://www.lgbtyouth.org.uk/files/documents/DomesticAbuseResources/single_sex_service_trans_guidance.pdf)

Trans Inclusion Policy For Women's Organisations: Julie Darke & Allison Cope for the Women/Trans Dialogue Planning Committee and the Trans Alliance Society, Winter 2002

<http://www.transalliancesociety.org/>

The Survivor Project [www.survivorproject.org](http://www.survivorproject.org)

Press for Change <http://www.pfc.org.uk/>

## 11. Acknowledgements

Thanks go to James Morton at the Equality Network and Pamela Clocherty, LGBT Youth Scotland for their help in producing this guide.

**Thanks to Brandi Lee Lough Dennell for helping us to update this guidance.**

## 12. Appendix 1 – FAQs

**These were questions that came from some of the Women's Aids groups out of forums/training. James Morton from the Scottish Transgender Alliance has provided responses to these questions (10 November 2010).**

### **1. Why can't I ask in the risk assessment if the person is transgender, to ensure the person is getting the right support, particularly if refuge is shared and might not be the best place for the transgendered woman?**

While it is not appropriate to demand that someone reveal their past gender reassignment during the risk assessment, it is likely that if a positive and supportive approach is used, the person will probably volunteer the information. So I would suggest that during risk assessment you could state that: *we seek to provide a high quality service to all service users, especially taking into account equality and diversity, so we are really keen to encourage all service users to tell us about any access or safety concerns they might have around their protected characteristics of race, religion and belief, disability, age, pregnancy, gender reassignment or sexual orientation. Only by sharing this personal information, can we ensure that we provide the most appropriate and empowering service to you and uphold your rights to safety, dignity, privacy and respect. Do you want to share anything about any of the protected characteristics of race, religion and belief, disability, age, pregnancy, gender reassignment or sexual orientation?*

### **2. Working with transgender women would widen the service provided; I am concerned that other women in society may reject our service due to sharing a refuge with a transgender woman**

#### **Shared accommodation may be a problem**

Due to the small numbers of women in Scotland who have previously transitioned from male to female, it will be very rare that a request to share a refuge will even be received. The Scottish Transgender Alliance estimates that there are around 1000 people (approx 300 FTM trans men and 700 MTF trans women) who have completed or are currently undergoing gender reassignment in Scotland and a further 10000 people who are transgender but have not started any process of gender reassignment (most of whom are not covered by the Equality Act 2010 as they are not intending to undergo gender reassignment). The Scottish Transgender Alliance appreciates that where a SWA service has only shared refuge accommodation rather than individual private accommodation facilities, it is likely to be proportionate (in order to achieve the legitimate aim of ensuring sufficient privacy and safety for all service users) to assist a trans woman requiring emergency accommodation to access accommodation from a different housing provider (such as a Council or Housing Association) rather

than in a shared refuge. However, this should not be implemented as a blanket ban on trans women using SWA services. The Scottish Transgender Alliance is particularly keen to see SWA services seeking to find the least discriminatory service provision for trans women while recognising that individual assessment of suitability for different support methods will be necessary. It is the view of the Scottish Transgender Alliance that it is likely to be proportionate to at least offer, as a bare minimum, one-to-one support for any trans women experiencing domestic abuse. Such one-to-one support should not lead to all other women service users feeling less willing to access the services.

### **3. I am worried about my lack of knowledge in how to support trans women**

The research report produced by the Scottish Transgender Alliance and LGBT Domestic Abuse Project, the SWA guidance and the attached STA PowerPoint presentation all seek to increase knowledge in how to support trans women. The key skills of listening with empathy and fostering empowerment of service users to make positive life changes in which SWA service providers already have extensive expertise can be utilised in exactly the same way to assist trans women as for any other women. The most important aspects which are trans-specific are simply about taking the time and effort to avoid pronoun mistakes and to avoid making transphobic comments about the service user's appearance, level of femininity, surgical status or risk to other women.

### **4. I am worried about breaching the law**

The Equality Act 2010 is framed in such a way that a single sex service provider should not fall foul of the law so long as they can show:

- that they are not operating a blanket ban on trans people using their service
- that they did an individual and fair assessment of how best they could provide as close to standard a service as possible to each trans person who requested a service
- that any different treatment of a trans service user (compared to what they would have done if the service user did not have the protected characteristic of gender reassignment) was proportionate in order to achieve a legitimate aim (such as upholding privacy and dignity for all service users including the trans service user) and was the least discriminatory option which was workable given the service resources available.
- that the privacy and dignity of the trans service user was not violated, for example, that the trans person's preference for name, title, and pronoun was respected and that there was no transphobic harassment or gossip carried out by staff and that staff intervened promptly to challenge any transphobic harassment by other service users.



## **5. I am worried about the woman being isolated**

This is a potential issue but could be addressed in a similar way to that in which SWA services address minority ethnic women's potential isolation. Most likely, it will be about SWA staff offering assistance to link the woman into trans support groups if she wishes and about ensuring that they are encouraging and supporting the inclusion of the woman in general social interactions and not ignoring her in social settings.

## **6. I am worried about the safety of the woman**

This is a potential issue, particularly in terms of using the female toilets. If there are concerns then a discreet staff or trans-friendly volunteer presence nearby to support the trans woman and discourage any harassment from other women might be helpful. The key is probably providing opportunities for any trans service users to flag up any safety concerns to staff easily and to empower the trans service user to help shape how these concerns are responded to.

## **7. How do names get changed on documentation, particularly for housing benefit?**

For DWP benefits and housing benefits, all that is needed is a formal notification of change of name signed by the trans person. For example, a statutory declaration of change of name can be used or simply a letter from the trans person requesting the name and title change. There is no requirement for a gender recognition certificate or doctor's letter to change the name and title on day-to-day documents and benefits records.

## 13. Appendix 2 – Key Transgender Terminology

### **Gender Identity:**

This is an individual's internal self-perception of their own gender.

A person may identify as a man, as a woman, as gender non-binary, androgyne or polygender.

### **Gender Expression:**

This is an individual's external gender-related appearance (including clothing) and behaviour (including interests and mannerisms). Any person may have masculine, feminine and/or androgynous aspects in their appearance or behaviour.

### **Biological Sex:**

A person's biological sex includes all aspects of their gender-related biological structure: not only their genitals but also their internal reproductive system, their chromosomes and their secondary sexual characteristics such as breasts, facial and body hair, voice, and body shape. Most people's biological sex will be clearly and consistently female or male. However, a small but significant number of people have bodies which are not completely male or female. People born with these kinds of physical variations are referred to as intersex people. A person may also have a biological sex which is not completely clearly male or female if they have undergone some hormonal or surgical intervention as part of a process of gender reassignment.

### **Transgender People or Trans People:**

These are umbrella terms used to describe a whole range of people whose gender identity or gender expression differs in some way from the gender assumptions made about them when they were born. The terms transgender people and trans people can include: transsexual people, intersex people, cross-dressing and gender non-binary/polygender people.

### **Transsexual People:**

This is a term used to describe people who consistently self-identify as the opposite gender from the gender they were labelled at birth based on their physical body. Depending on the range of options and information available to them during their lives, most transsexual people try to find a way to transition to live fully in the gender that they self-identify as. Transitioning is also known as gender reassignment. Most, but not all, transsexual people take hormones and some also undergo surgery to make their physical body match their gender identity better.

A female-to-male (FTM) **trans man** is someone who was labelled female at birth but has a male gender identity and therefore is currently transitioning, or has already transitioned, to live permanently as a man.

A male-to-female (MTF) **trans woman** is someone who was labelled male at birth but has a female gender identity and therefore is currently transitioning, or has already transitioned, to live permanently as a woman.

**Intersex People:**

This is a term used to describe people born with external genitals, internal reproductive systems or chromosomes that are in-between what is considered clearly male or female. There are many different intersex conditions.

When an intersex baby has ambiguous genitals, medical doctors often make an educated guess about which gender to assign to the baby. Sometimes the guess made by the doctors turns out not to match the intersex person's own gender identity in which case the intersex person may decide to transition as a teenager or adult.

In many cases, an intersex person will simply identify as a man or as a woman. However, in some cases, an intersex person may identify as being neither a man nor a woman.

**Cross-dressing People:**

This is a term used to describe people who dress, either occasionally or more regularly, in clothes associated with the opposite gender, as defined by socially accepted norms. Cross-dressing people are generally happy with the gender they were labelled at birth and do not want to permanently alter the physical characteristics of their bodies or change their legal gender. Cross-dressing men are sometimes referred to as transvestite men; however, this is becoming an increasingly out-dated term and may cause offence.

**Gender Non-Binary, Androgyne People or Polygender People:**

These are terms used to describe people who find they do not feel comfortable thinking of themselves as simply either men or women. Instead they feel that their gender identity is more complicated to describe and that it is non-binary. Some may identify their gender as being a form of combination between a man and a woman, comprising many genders, or as having no gender. Like transsexual people, people with non-binary gender identities can experience gender dysphoria (sometimes as intensely as transsexual people do). They may partially transition socially and might take hormones or occasionally have some surgery.

**Gender Dysphoria:**

This is a recognised medical issue for which gender reassignment treatment is available on the National Health Service in Scotland. Gender Dysphoria is distress, unhappiness and discomfort experienced by someone about their biological sex not fully matching their gender identity. Transsexual people usually experience intense gender dysphoria which is significantly reduced by transitioning to live as their self-identified gender, perhaps taking hormones and/or having surgery to make their physical body match their gender identity better. Other types of transgender people may also experience varying degrees of gender dysphoria, especially if their social circumstances prevent them from fully expressing their gender identity.

**Gender Reassignment or Transition:**

These are terms which refer to the medically supervised process that a transsexual person goes through to present themselves permanently in their acquired gender.

The process of gender reassignment can take anything from a matter of months to a period of years. An initial medical assessment is usually followed by hormone therapy, and during this process the individual will start to live and work full-time in their acquired gender and at this point their name and other records will be changed. For any NHS-funded reconstructive surgery in Scotland, transsexual people are currently required to first undertake at least a year of living fully in their acquired gender. A person may live full-time in their new name and gender and achieve full legal recognition and rights in their acquired gender without ever undergoing any surgical intervention. Surgical intervention is not a requirement and some people may not undergo surgery due to age, health or other factors (such as high complication rates in surgically creating a penis for trans men).

**Acquired Gender:**

This is the term used in the Gender Recognition Act 2004 to mean the gender role that a person has transitioned to live their life in and which matches their self-perceived gender identity. Therefore, the acquired gender of a (Male-to-Female) Trans Woman is Female. The acquired gender of a (Female-to-Male) Trans Man is Male.