Welsh Government action plan to further equality for transgender people

Date of issue: 22 June 2015
Action required: Responses by 11 September 2015
Overview

The purpose of this consultation is to seek views on the Welsh Government’s Transgender Action Plan. We want to identify and address areas of discrimination, improve access to public services and tackle social stigmatisation, harassment and bullying for transgender people in Wales.

We particularly want to engage with transgender people, organisations representing those who are transgender as well as individuals who have an interest in furthering the equality of transgender people.

We want to understand what actions the Welsh Government can take to remove the barriers transgender people face.

For the purposes of this consultation, the Welsh Government recognises the terms transgender people and trans people to describe anyone who feels the gender assigned to them at birth incompletely or doesn’t at all describe their own gender identity. This can include, but is not limited to: trans women, trans men, transsexual men & transsexual women, cross-dressing & transvestite people, people with a trans history, people identifying as androgyne, polygender, gender-queer, gender non-conforming, dual gendered, twin spirited and nongender identifying people, gender questioning people, gender variant & gender diverse people, transgender people & intersex people.

Gender identity is understood to refer to each person’s internal and individual experience of gender, which may or may not correspond with societal expectations engendered by the biological sex assigned at birth.

How to respond

Please respond to this consultation by email or post using the consultation response form included with this document.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Fairer Futures
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Cardiff
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e-mail: FairerFuturesMailbox@wales.gsi.gov.uk
(Please mark your query ‘Transgender Action Plan’)

Tel: 029 2082 6349

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances.
If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.
Ministerial Foreword

The Welsh Government is committed to making Wales a country where everyone has the same opportunities to contribute to the economic, environmental, social and cultural life of Wales.

Equality is about creating a fairer society where diversity is valued and respected, where people do not face discrimination and prejudice and where everyone can participate, flourish and have the opportunity to fulfil their potential, whatever their background or identity, including their gender identity.

Wales is becoming a more inclusive country. However, transgender people have spoken about the misconceptions and lack of understanding of transgender issues amongst their family, friends, employers and service providers.

In November 2014, Assembly Members took part in a debate on support for the transgender community. As Minister with responsibility for equality, I am committed to driving forward actions which will address inequalities for transgender people.

We have more to do to remove the barriers faced by some transgender people, however. a Welsh Government Action Plan will be the vehicle to identify and drive forward the cross-Government actions we can take in working towards greater equality for transgender people.

I encourage transgender organisations and individuals to take part in this consultation so your voices can be heard and you can help influence and shape the Action Plan. We value your specialist knowledge and the difference it can make to achieving equality inclusive and cohesive communities in Wales.

Lesley Griffiths AM
Minister for Communities and Tackling Poverty
Summary

What is this consultation about?

The Welsh Government would like to find out what the most important areas for improvement are for transgender people. We are consulting on proposed actions we think will further equality for transgender people to remove the barriers and to identify and share effective practice.

Where are we now?

We know there are evidence gaps when it comes to looking at the experiences transgender people have. Sometimes a lack of evidence is cited as a barrier to making changes. However, we know we need to do more and there are areas which need to be addressed.

In November 2014, Assembly Members held a debate on support for the transgender community. The record of proceedings can be seen here http://www.assembly.wales/en/bus-home/pages/rop.aspx?meetingid=2764&c=Record%20of%20Proceedings

The debate raised lots of important issues like bullying, health, hate crime and housing, and we are looking across the Government at what more we can do to address these issues.

We have also started conversations with some trans people and representatives of transgender organisations who have discussed areas of priority and these conversations have helped us shape some of our proposed actions.

We now want to extend this conversation further and hear from as many people as possible who have an insight into the experiences transgender people have, both positive and negative.

The need for change

We know from our conversations with transgender people and groups there is a need to do more. We have already been able to identify some issues and propose actions we think will help to address them. Themes which have strongly emerged from these conversations have been children and young people, communities and public life and access to and experiences of public services.
What we would like you to tell us

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:
Proposed actions to include in the Welsh Government’s Transgender Action Plan

This section sets out the actions we propose to take which we would like you to consider. This is your opportunity to shape the Welsh Government’s Transgender Action Plan. Please give your views on whether you feel the proposed actions are a priority or what other actions we should include.

SECTION 1: CHILDREN AND YOUNG PEOPLE

Figures from the Home Office show 70% of children who are uncertain about their gender are subject to bullying.¹

Young people’s experiences can have a huge impact on shaping their lives. Gender variance may be detected in children as young as two.² What may be a stressful time for young people could be severely aggravated by bullying at school, home, online or in our communities. This in turn can impair a young person’s achievements at school. We would like schools to be a safe, supportive environment where children and young people can be comfortable with their identity.

Proposed Actions:

- To publish lesson plans on gender and transgender-based bullying.
- To continue our drive to publicise our Respecting Others anti-bullying guidance
- To hold a cyber-hate conference during Hate Crime Awareness Week 2015 in association with Cardiff University. The conference will raise awareness and increase understanding of cyber-hate and bullying and its impact on victims. The conference will include a workshop, hosted by Youth Cymru, which will allow young transgender people to raise issues in relation to cyber bullying. A conference report outlining outcomes and next steps will be published.

Questions for consideration

| Q1 | Do you think these actions should be a priority to improve equality for transgender children and young people? |
| Q2 | What other actions do you think will improve equality for transgender children and young people? |

² Department of Health and GIRES (2008) Medical care for gender variant children and young people: answering families’ questions. p 8
SECTION 2: COMMUNITIES

Hate Crime

In the UK wide Trans Mental Health Study, 81% of participants avoided certain situations due to fear. 51% worried they would have to avoid social situations or places in the future due to fear of being harassed, read as trans, or being outed.\(^3\)

The All Wales Hate Crime Research in 2013 shows there are significant barriers for transgender people to report hate crimes and identifies the significant impact upon victims. Nearly half (46%) of victims disclosed suicidal thoughts, with over a third (37.5%) of victims stating violent crimes were the most serious they had experienced.\(^4\)

The Welsh Government’s ‘Tackling Hate Crimes and Incidents: Framework for Action’ sets out how we aim to work with partners across Wales to take forward three objectives on prevention, supporting victims and improving multi-agency working.

The Welsh Government has funded Victim Support Cymru to run the National Hate Crime and Report Centre. This provides independent advocacy and advice for victims and anonymised reporting where victims do not feel confident to go to the police.

The Equality and Human Rights Commission has also funded a specific LGBT Hate Crime Project across the UK, through the LGBT Consortium and Stop Hate UK. This includes bespoke support and services through the Unity Project in Wales, which aims to increase the confidence for victims to support and to increase outreach in rural areas.

Proposed Actions:

- To fund the National Hate Crime Report and Support Centre through Victim Support Cymru which will:
  - monitor the number of transgender people who are reporting and receiving support;
  - roll out all Wales training across public sector and community organisations to increase awareness of hate crime which will include gender identity hate crime,
  - through the Welsh Local Government Association Data Unit, map hate crime referrals which will include transgender hate crimes and provide information for Local Authorities to enhance tension monitoring procedures.


• Support the delivery of the Equality and Human Rights Commission's LGBT Hate Crime Project, which will include:
  o supporting a national awareness raising campaign on the delivery of the project;
  o the Unity Project will develop and deliver bespoke LGBT training in partnership with Victim Support Cymru;
  o anonymous reporting figures will be shared with the National Hate Crime Report and Support Centre

Community Cohesion

There are sometimes ingrained negative attitudes and misperceptions about transgender people which can lead to prejudice and hostility.

The Welsh Government funds 8 Community Cohesion Co-ordinator posts based across Wales who work with local communities, including transgender communities and organisations.

The Co-ordinators are delivering a Community Cohesion National Plan which will consider how greater understanding and preventative measures can be identified through enhanced hate crime training and awareness for communities and front line staff. Furthermore, events such as LGBT History Month help to break down misconceptions and promote the positive contribution which transgender people play within their local communities.

Proposed Action:

• The Welsh Government will analyse support given to transgender people and communities through the National Community Cohesion Delivery Plan, including assessing the number of people who have received equalities training, including transgender awareness.

Questions for consideration

| Q3 | Do you think these actions should be a priority to tackle hostility and prejudice faced by transgender people? |
| Q4 | What other actions do you think will help to tackle hostility and prejudice faced by transgender people? |
Violence Against Women, Domestic Abuse and Sexual Violence

In January 2014, the Welsh Government commissioned NatCen Social Research to investigate the barriers faced by Lesbian, Gay, Bisexual and Transgender (LGBT) people in accessing appropriate domestic abuse, stalking, harassment and sexual violence services.

This research highlighted the hidden nature of sexual violence within trans people’s relationships and the belief some trans people have services will not be willing to assist them. Regardless of gender or sexual orientation, everyone should feel they can access free and confidential support if they are experiencing domestic abuse, harassment or sexual violence.

The research was published on 4 June 2014 and the recommendations are being progressed via a range of delivery mechanisms. The research can be found at this link: http://gov.wales/statistics-and-research/barriers-faced-lesbian-gay-bisexual-transgender-people-accessing-domestic-abuse-sexual-violence-services/?lang=en

Proposed Actions:

- To give due consideration to the particular issues faced by transgender people in the development of statutory guidance which will be issued under S.15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. This will be subject to full public consultation in due course.

- Training to support relevant public and voluntary service staff will be built into a National Training Framework on Violence against Women, Domestic Abuse and Sexual Violence to ensure staff understand and can respond appropriately to transgender peoples’ lives, experiences and particular requirements.

- A National Service User Group will be established which will include LGBT representation to ensure views on LGBT issues are fully reflected and considered across all work in this area, including, publicity campaigns.

- Fund Welsh Women’s Aid to:
  - issue guidance in 2015-16 to their member organisations on providing accessible services to meet the needs of transgender survivors of domestic abuse and sexual violence;
  - deliver training to domestic abuse services on meeting the needs of transgender survivors of domestic abuse and sexual violence.
Questions for consideration

| Q5  | Do you think these actions should be a priority to tackle violence against women, domestic abuse and sexual violence for transgender people? |
| Q6  | Are there any other actions you feel will help to tackle violence against women, domestic abuse and sexual violence for transgender people? |

Sport

The Welsh Government wants all people to have equal opportunities to participate in sport. Sport Wales have established a LGBT Forum to encourage participation in sport by engaging with the LGBT community, sharing information and areas of good practice and to use social media to broaden their visibility.

Q7  What barriers are there to participation in sport for transgender people?

Public Transport

The Trans Mental Health Study\(^5\) found that over 25% of the participants avoided public transport due to fear of being harassed, read as trans, or being outing.

The Welsh Government is contributing tripartite funding for 21 British Transport Police Community Safety Officers until 2017. Activity requires BTP CSO’s to continue engagement with partners and community organisations to actively address anti-social behaviour and related criminal activity, including hate crime.

Q8  What barriers (if any) inhibit your use of public transport in Wales?

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SECTION 3: IMPROVING ACCESS TO AND EXPERIENCE OF PUBLIC SERVICES.

One of the Welsh Government’s eight strategic equality objectives focuses on putting the needs of service users at the heart of delivery in key public services (such as health, housing and social services) to ensure they are responsive to the needs of people with protected characteristics.

Unfortunately, some trans people tell us their experiences of public services are not positive and it is very important for this to be addressed.

Health

The Plenary debate in November highlighted the following issues:

An increasing number of individuals are seeking gender identity services in Wales. However, there is currently a lack of quantitative and qualitative data available to service providers regarding both the potential future demand for these services, and the particular health (physical and mental) and well-being issues which impact on members of these communities.

Some individuals with gender dysphoria, and members of the trans community in Wales, have reported difficulties in engaging with their GP in relation to referral for assessment and diagnosis, or for endocrinology or surgical procedures, sometimes resulting in delays for these services.

They have also raised the lack of gender identity services, and NHS services for transgender people in Wales.

Proposed Actions:

- To inform the provision of appropriate and responsive services, Welsh Government will request the Public Health Wales Observatory undertakes an evidence-gathering exercise. This will seek to establish the prevalence of transgender/gender dysphoria in Wales; to identify the health and wellbeing issues for transgender people; document the current provision of health care services for transgender/gender dysphoric individuals in Wales, and report on patient experience of those services which are provided. The information gathered through this exercise will inform the development and implementation of the NHS Wales Strategy for Gender Dysphoria Services, which is being developed by the Public Health Wales-led All Wales Gender Dysphoria Partnership Board.

- Welsh Government to support the forthcoming publication of the revised Welsh Health Specialised Services Committee policy on gender identity services and care pathway by developing
guidance for GPs on gender dysphoria and working with transgender individuals. Welsh Government will also explore the potential for using primary care clusters\(^6\) as a mechanism for improving expertise and delivering a greater range of services on a locality basis.

- Welsh Government to work with WHSSC and Local Health Boards to support the implementation of the forthcoming NHS Wales Strategy for Gender Dysphoria Services.

Questions for consideration

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<th>Q9</th>
<th>Do you think these actions should be a priority to improving access to and experience of Health Services for transgender people?</th>
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<td>Q10</td>
<td>What other actions do you think will improve access to and experience of Health Services for transgender people?</td>
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Housing

The Welsh Government recognises the need to support people who are either at threat of or are already homeless, which may or may not have been as a result of their gender identity.

The implementation of the Housing (Wales) Act 2014 from April 2015 will ensure people who are homeless or threatened with homelessness are given the help they need to find or keep a home. The Welsh Government is funding Shelter Cymru to deliver independent housing advice across Wales, including specific funding for LGBT awareness raising for homelessness services.

The Code of Guidance for Local Authorities on Allocation of Housing and Homelessness, issued April 2015 ensures authorities take account of someone’s gender identity when considering what reasonable steps could be taken to support an applicant who is either at threat of homelessness or is homeless.

Proposed Actions:

- Incorporate LGBT advice service within Shelter Cymru’s national advice project.

- Incorporate the Hate Crime Toolkit as a ‘reasonable step’ which could be taken in the statutory code of guidance to accompany the Housing (Wales) Act 2014.

\(^6\) Clusters are small groups of GP practices which work collaboratively to develop services in the community, serving populations of between 30 and 50 thousand patients
• Work with Tai Pawb to ensure, where practicable, data collection takes account of protected characteristics, including gender identity.

Questions for consideration

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<th>Q11</th>
<th>Do you think these actions should be a priority to improving access to and experience of Homelessness Services for transgender people?</th>
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<td>Q12</td>
<td>What other actions do you think will improve access to and experience of Homelessness Services for transgender people?</td>
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SECTION 4: STRIVING FOR EQUALITY

Our Welsh Specific Equality Duties have continued to pave the way in taking equality forward in Wales. These duties provide the framework for the devolved public sector to identify, understand and address issues of inequality.

Strategic Equality Plan

The Welsh Government’s Equality Objectives and Strategic Equality Plan 2012-16, which takes these objectives forward, focus on tackling inequality and achieving greater fairness through delivering on eight outcome focused equality objectives.

Work is already underway to develop our Equality Objectives for the next 4 years. The thoughts and views of the people across Wales will be gathered through extensive engagement to ensure the next Equality Objectives reflect the priorities and needs of people with protected characteristics. The Transgender Action Plan will inform and support the Equality Objectives and the Strategic Equality Plan.

The public consultation on the Equality Objectives is open until 10 July and can be accessed here [link to consultation]

Equality Impact Assessments

The Welsh Government has a duty to consider the impact on equality of all of our decisions. This includes identifying where we can take action to advance equality, eliminate discrimination and foster good relations, and where possible, mitigate negative impacts which may result from our decisions.
The Transgender Action Plan will include the actions we must take to assess the impact of our decisions on transgender people using Equality Impact Assessments.

Question for consideration

| Q13 | Are there other actions the Welsh Government should take to ensure transgender issues are addressed when taking decisions or setting equality objectives? |

SECTION 6

Do you think there are any gaps?

| Q14 | Do you think there should be any other priorities addressed in the Transgender Action Plan? If so, what should those priorities be? |
| Q15 | Are you aware of any supporting evidence or research which will help inform the Transgender Action Plan? |
| Q16 | We have asked a number of specific questions about equality for transgender people. If you have any related issues which we have not specifically addressed, please use this space to report them: |