

It's not Rocket Science

Policies & Procedures
for services working with
Transgender Clients

www.gendercentre.org.au
services for people with gender issues

funded through



Forward

The Gender Centre is the only Transgender specific agency servicing Transgender clients in N.S.W. for over 20 years. However as human service agencies have developed, so have the complexities of clients and demand for such services with a particular focus on homelessness.

There is a need for non-transgender specific agencies to develop skills and expertise in supporting Transgender clients, and the increasing complexities of homeless issues impacting their lives.

Under N.S.W. law, only some transgender people are legally counted as being their preferred gender rather than their birth gender. Under N.S.W. law you are legally counted as your preferred gender if you are a "recognised transgender" person (see glossary of terms).

Under N.S.W. anti-discrimination law you can only be a recognised transgender person if you have a new birth certificate issued by the N.S.W. Registry of Births, Deaths and Marriages that states the gender you identify with; or you have an amended birth certificate or an equivalent document known as an "interstate recognition certificate" issued by another Australian State or other jurisdiction. You can only get a new N.S.W. birth certificate issued if all of the following criteria apply:

- ▶ Your birth certificate was originally registered in New South Wales;
- ▶ you are over 18 (or, if you are under 18, your parent or guardian agrees to you doing this);
- ▶ you have had sex reassignment (gender affirmation) surgery - this includes any surgical alteration to your reproductive organs, (for example, to your womb or genital area); and
- ▶ you are not currently married.

For many of the transgender clients who access homeless inner City of Sydney services, the above mentioned birth certificates are unrealistic to obtain. Therefore services that support transgender clients who are not legally recognized as their preferred gender are faced with many challenges in accessing appropriate support and services for their transgender clients.

It is hoped that the provision of this document, will provide agencies with a framework in which to approach transgender clients' support. That is, that they will provide a service to Transgender clients in the same way that they would provide any other client group with complex needs, and in doing so increase access and support for this often avoided client group.

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Introduction

Transgender people experience significant levels of discrimination, harassment and violence on a daily basis. Unfortunately there are no quantitative statistics to reinforce this situation for a variety of reasons including the lack of census data collected about transgender people. (The Australian Bureau of Statistics does not allow people to identify as anything other than female or male.) This is also the case with all other government departments. This does not allow for the collection of, or even the recognition of people identifying outside these rigid definitions.

Although a person can only legally be considered the opposite gender to their birth gender when they are a "recognised transgender" person, it is appropriate, in most cases to extend the same rights and conditions to both groups of transgender people.

Transgender adults who identify as, or express a gender that is different from their birth gender can experience extreme difficulties in obtaining adequate and safe shelter.

Not only do transgender people frequently endure the emotional injury of being classified as, and treated according to a gender that they don't identify with, but many services are also physically unsafe for them.

Transgender women who identify and live as women but were born male can risk verbal, physical, sexual harassment and assault when they are required to room with males.

All transgender clients should be treated according to their self-identified gender.

Many transgender people are reluctant to draw attention to themselves by reporting discrimination, harassment or violence, especially if they are in a work or social situation where their transgender status is not known.

There are no official reporting mechanisms for recording that a specific incident has a transgender component and as a consequence police, medical professionals and coroners have no reminder that this is a factor to be taken into account unless it attracts media attention a matter is likely to be submerged in a mass of unrelated cases.

The Purpose of this document is to ensure equity and access to services by Transgender clients – assisting with their housing and other needs.

This document has been developed for incorporation into existing service's policy and procedure manuals, to assist staff with the provision of appropriate service delivery with regards to accommodation services and other projects to meet the needs of Transgender clients accessing inner city services.

Glossary of Terms

Transgender

An experience where an individual has a core sense of gender which may be neither or both genders and crosses the traditional gender binary construct. The term transgender has crept into common usage as an umbrella term to encompass many diverse conditions and identities as well as behaviours. It is a term usually considered appropriate for people who express gender contrary to their legally assigned gender.

Gender Binary

The classification of people into two categories "male" or "female". Hence the term gender-binary (binary meaning two)

Recognised Transgender Person

A legal sub–category of "transgender person" is a "recognised transgender person". A transgender person is a "recognised transgender person" if they have a new birth certificate issued by N.S.W. Registry of Births Deaths and Marriages that states the sex that the person identifies with; if they have a recognition certificate issue by a South Australian magistrate; or they have some similar official document issue by another Australian State or Territory (at the time of issuing this policy no other Australia State or Territory issues such a certificate).

Self Identify

A person's right to identify their own gender. i.e. If someone says she is a woman, she should be treated as a woman.

Discrimination

Treating people unfairly or less favorably because they belong to a particular group or category of people.

Harassment

In terms of anti-discrimination law, harassment is any form of behavior that: you do not want; offends, humiliates or intimidates you; and targets you because of your sex, pregnancy, race, age, marital status, homosexuality, disability, transgender (transsexual) status or carers' responsibilities.

Gender Role

The expression of attitudes that indicate to others the degree of maleness or femaleness. Gender role is the public expression of one's self.

Gender Identity

A person's innate deeply felt psychological awareness of themselves as male or female, for most people this matches their physical body.

Gender Attribution

When we meet someone, we decide based on their appearance, mannerisms and other cues, whether they are a man or woman or indeterminable.

Transgender female

Refers to an individual, born male, who identifies as, and now lives as a female.

Transgender male

Refers to an individual, born female, who identifies as, and now lives as a male.

Intersex

An individual who may have biological characteristics of both the male and female sexes, or those whose biological sex cannot be classified as either female or male.

Transsexual

One who has undergone sex affirmation surgery or genital reassignment surgery.

Cross dresser

A person who dresses in clothing that society considers appropriate exclusively for a member of the opposite sex. A person who sometimes wears clothing associated with the opposite sex in order to have fun, entertain or gain emotional satisfaction.

Gender Assignment

Refers to the assigning of sex at birth. In the majority of births, a relative, midwife or physician inspects the newborn's genitalia, and usually sees apparent male or female genitalia, and declares, "it's a girl" or "it's a boy" without hesitation or uncertainty. The assignment is perceived as a recognition of an essential aspect of this new human being, apparent to everyone. In nearly all cases, usually without conscious deliberation, the parents rear the child as a member of the sex congruent with the apparent genitalia.

This is a socially accepted act, and is, in nearly all cases and all societies, an act that seems a simple recognition of a simple biological reality. However the usual act of assignment carries with it some conscious and unconscious assumptions, namely that the external genitalia reflect other aspects of biological sex, such as internal anatomy, gonads, hormones, and chromosomes.

The act of assignment usually carries the implicit expectation that future gender identity will develop in the sex of the anatomy, assignment, and rearing. In a minority of cases one or more of these assumptions prove false. There have been rare instances where parents (for a variety of reasons) have reared a biologically congruent child as the opposite gender. More commonly, in the case of some transgender and intersex individuals, gender identity does not simply follow the biological sex or gender of rearing.

Section One

1.1 Provision of Services

Provision of suitable services to transgender clients is based on the following:

- ▶ Each homeless person seeking assistance has access to a service on the basis of relative need and available resources;
- ▶ Each client has the right to a safe, secure and comfortable environment;
- ▶ The legal and human rights of each client are upheld, particularly in relation to the prevention of sexual, physical and emotional abuse within S.A.A.P. services;
- ▶ Effective and efficiently managed services that provide maximum benefit to each client regardless of their gender status;
- ▶ Transgender clients are given the same placement options as other clients;
- ▶ Transgender clients are addressed by their name and pronouns appropriate to their chosen gender; and
- ▶ Staff acting in a way which is respectful to the rights of Transgender clients.

Examples of discrimination on the grounds of transgender status:

- ▶ Refusing to associate with or ignoring someone because they are transgender;
- ▶ Refusing to address the person in their acquired gender;
- ▶ Using inappropriate pronouns which contradict the persons identified gender;
- ▶ Failing to keep information about a person's transgender status confidential;
- ▶ Refusal to allow a transgender person to use the sanitary facilities of the gender to which they identify;
- ▶ Treating a transgender person less favourably than others; and
- ▶ Use of derogatory pronouns such as "it" or "thing".

1.2 Staff Policy

Staff need to be aware of their own belief systems or prejudices which may impact upon the accessibility of services to Transgender clients. Service policies for treating clients with respect and sensitivity need to be upheld particularly if staff are challenged by their own personal opinions.

Language is very important and workers should take particular care to address clients by their identified gender. Male to Female clients are not to be called by their male given names or referred to as "he", likewise Female to Male clients are not to be

called by their female given names or to be referred to as "she". Ask the client how they would like to be addressed. For example, "what name would you like to be called" or "what pronoun is appropriate". Use "she" for transgender women and "he" for transgender men, "even if you are not in the client's presence". While mistakes do occur, it is important that staff make real attempts to use the client's preferred name and pronouns. When a mistake has occurred, staff should apologise to the client.

Remember to focus on care rather than questions of curiosity. Asking about one's transgender status to satisfy your own curiosity is inappropriate if it is unrelated to care or service provision.

1.3 Safety Concerns

Staff should be aware of transgender client's safety needs and concerns.

Transgender clients are at particular risk of harassment and discrimination from other clients and this needs to be monitored by staff effectively.

Staff should ask each incoming residential transgender client whether or not he or she has any fears about safety while in the service. If so, staff should discuss ways of addressing these concerns.

1.4 Placement for Housing

All intake staff should be ready to talk with incoming transgender residents about their privacy and safety concerns, and be aware that there may be greater safety issues for Transgender clients.

Staff should cover the issues that generate problems and anxiety for the transgender client as well as other clients of the service.

The intake conversation should be honest and frank. This shows a willingness to discuss issues openly and ensure a firm stance on policies which is often comforting as it shows that there will be equitable enforcement of rules and of harassment with all clients regardless of their gender status.

Section Two

2.1 Intake and Assessment

The purpose of intake is to identify each client's needs at first contact and to ensure as far as possible that these needs are met. This can be done by ensuring that:

- ▶ Appropriate matching of client needs to service resources;
- ▶ Appropriate continuity of client care and management;
- ▶ Appropriate referrals are made within the agency and to external services;
- ▶ The client understands the nature of the service she or he is entering and of his or her rights and responsibilities as a client of the this service; and
- ▶ Staff who have contact with individual clients have a responsibility in managing client risk.

All staff manage risk according to their responsibilities and accountabilities.

Risk largely arises from client needs and behaviours and therefore requires a risk management response that is tailored to the individual and their associated behaviours rather than and not their gender identity. Essential items to be included into each agency's intake procedure for all agencies are:

- ▶ Use of preferred name and title;
- ▶ Placement of housing;
- ▶ Privacy in showering and bathrooms;
- ▶ Safety concerns; and
- ▶ Confidentiality.

If a client has gender identity as a presenting issue the staff member should explore this with the client on intake. Staff should refer the client to the Gender Centre for support and counselling.

Intake Procedure

Staff are to inform clients during the intake process about special accommodation options available at that the service for transgender clients.

If available, single room accommodation is to be offered to all transgender clients. However if the transgender client indicates that shared accommodation among the same gender to which they identify is acceptable, then this should also be offered to them (if available).

- ▶ Transgender clients with increased safety needs will be offered bed space closest to night staff so clients can contact staff quickly for help if the need arises;

- ▶ Sleeping placements are to be based on the client's self-identified gender regardless of whether or not they have had any surgery; and
- ▶ Clients are to be made aware on intake of all major service rules and conditions of the service.

2.2 Bathrooms and Showering

Transgender clients have a special need for bathroom privacy.

There are valid safety concerns around being forced to use a bathroom without a door or communal showering facilities. Having one's body exposed because a bathroom does not have a stall door could precipitate a violent assault for anyone, not just a transgender client.

Staff are to inform all incoming clients about the placement of different bathrooms and showers, including whether or not there are any private bathrooms and showers, and whether or not they are lockable.

Staff are to ensure that at least one shower can be made available to clients that affords total privacy; and Transgender clients are to be provided with access to suitable toilet facilities of the gender with which they identify.

Section Three

3.1 Harassment

While it may seem like only teasing, transgender people know that verbal harassment may escalate into the very real threat of physical harassment and assault.

Staff have an a responsibility and obligation to intervene should harassment occur, and ensure that such behaviour cease immediately.

Procedure for staff to follow when harassment occurs

Staff are to intervene if they observe or have reported to them any occurrences of harassment of clients. If harassment continues despite the staff member addressing the issue, the agency needs to follow their procedure for service users who break agency rules.

Concerns should be reported to their direct supervisor for assistance and support in managing the situation and ensuring that support is provided to the client being harassed.

- ▶ Report the incident using standard reporting procedure's;
- ▶ Staff to inform all residents and service users that this service does not tolerate harassment of any kind;
- ▶ Staff are to ensure the safety of the transgender client;
- ▶ Staff to monitor the situation on a regular basis; and
- ▶ Staff to consider and monitor potential retaliatory actions by other clients when transgender clients make complaints of harassment.

Client complaints

All clients should be made aware of their rights to complain and should fully understand the complaints procedure.

Clients have a right to complain about the service they are receiving without fear of retribution. (Staff should be made aware that some transgender clients might be fearful of complaining due to fear of service termination). Staff should take steps to ensure that the client feels comfortable to continue accessing the service after making a complaint.

3.2 Intervening in client harassment or discrimination towards Transgender clients

Stereotypes of transgender people can inaccurately portray transgender people as dangerous and abusive.

It is important to focus on a client's behaviour, and not assume that one person is more likely to harm others just by looking at them. By focusing on inappropriate behaviour that is not allowed from anyone and enforcing those rules if they are

violated, you can balance the needs of everyone involved without discriminating against transgender clients.

As a worker, it can sometimes be challenging to intervene when clients are being discriminatory or harassing a transgender person. Comments like (for transgender women) "he's a man dressed up like a woman", "this is a women's only space and you let men in here", "I don't feel safe, because they are really a man", can be difficult to address, however it is your responsibility as a worker to ensure that all clients who access your service are safe.

If you hear clients having these types of discussions or if they are directly asking you these types of questions it is important to stress your agency's policy on safety and respect for everyone and stop those types of conversations. Remember:

- ▶ Transgendered women are not men;
- ▶ It is disrespectful to talk about a transgender client in this manner (i.e. Referring to them as "he")
- ▶ It is unsafe if clients are enticing other clients to develop discriminatory attitudes and language towards a transgender client. This can also make the transgender client feel unwelcome at the service.

If the client continues the behaviour, follow your agency's policy regarding clients who don't follow service rules.

If specific residents say they are unwilling to live with a transgender person, staff should have a conversation with them. The residents need to understand that the homeless shelter is a community where everyone is to be welcomed and respected. The shelter can deal with this problem the same way it would deal with a situation where a resident did not want to sleep near a person with a disability or a person of a different religion.

If a female resident feels unsafe because of their own history of assault, have a private discussion with this resident about why she feels unsafe.

This conversation can cover the fact that the shelter welcomes all types of women that are not safe on the street, and that there are no men in the shelter (transgender women are not men).

The concerned guest should also be told that the shelter has strict rules about inappropriate behavior like assault, and she is assured that staff enforce this rule at all times.

3.3 Privacy and Confidentiality

Like all clients, transgender people need to be told that all personal information is considered confidential, including whether or not they are transgender.

The client's rights to confidentiality are protected in a number of ways and; clients should be informed about these rights on intake.

To ensure that your service is of appropriate quality and meets the S.A.A.P. standards, the following policy has been developed for client records:

Procedures for maintaining confidentiality

- ▶ Information regarding clients is kept in a locked filing cabinet;
- ▶ This information should only be accessible to the coordinator and staff working directly with the client;
- ▶ A file be created for each individual client following intake;
- ▶ Staff members are prohibited from discussing client matters inappropriately;
- ▶ Information kept is only to include information necessary for the provision of service; and
- ▶ Information should be non-intrusive, as objective as possible, relevant and up-to-date.

Client information can only be passed on to other agencies when necessary and should be done with informed consent of the client. Client to sign the release of information form; and prior to discussing a client with another service provider, you should clarify how they wish to be known and referred to in such a discussion. Some boarding house clients find it safer to use their male name and pronouns, even though they identify as female.

Further Information

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History of the Gender Centre

In the very early 1980's, a small band of transsexual* people held weekly support meetings at the Wayside Chapel in Kings Cross, Sydney. Roberta Perkins, who had completed an honours thesis on transsexuals approached Reverend Bill Crews of the Wayside Chapel Crisis Centre to ask if he would consider the use of the chapel for a regular meeting place offering support to the transsexual girls of the Cross.

Many of the girls working the streets of Kings Cross, from Darlinghurst Road to William Street, were vulnerable to assaults, robberies, rape and harassment. Other issues of concern were incidences of transgenders being evicted due to discriminatory treatment by landlords and some service providers.

The problem of homelessness was significant and providing transsexuals with a safe refuge was crucial. Most refuge services at the time would not cater for transsexuals.

Problems of increased dependence on prescription and illicit drugs were also an issue, often drugs were a means of managing a multitude of issues as a transgender individual, such as limited employment opportunities, no secure housing, verbal and physical abuse, violent attacks etc, these negative experiences reduce an individual's already low self esteem.

After consultation with Reverend Bill Crews and Reverend Ted Noffs together with Roberta Perkins, regular weekly support meetings for transsexuals commenced, during this time, the media became involved in the issues of transsexuals and produced a documentary movie titled "Man into Woman".

This film highlighted the plight of transgender people in Sydney, particularly in the Kings cross-area.

As public awareness was rising, Roberta contacted the state minister for Youth Affairs & Housing, Frank Walker M.P. (Member of Parliament) and Roberta made a submission for funding to open a refuge for transsexuals.

Frank Walker approved this plan and in 1984, Tiresias House was founded as a refuge for young transsexuals. The premises in Petersham was approved by the Department of Main Roads, and Tiresias House was the first government funded service specifically for transgenders in Australia.

The service was funded entirely by the New South Wales (N.S.W.) Department of Community Services (DOCS) through the Supported Accommodation Assistance Program (S.A.A.P.). Two "annex" (semi-supported) houses located at Haberfield and Ashfield opened soon after.

By 1993, DOCS and the N.S.W. Department of Health entered into a joint funding agreement, this meant that Tiresias House was funded to provide services to minimise the effects of Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome (H.I.V. / AIDS) on the transgender community.

These services included Outreach and a Community Worker position, at this time; Tiresias House was incorporated and renamed The Gender Centre Inc, to reflect the change in services and service philosophy.

By 1997, many links had been formed with both the public and the private sectors.

Training among employers and employees began to take steps in easing transgender individuals' path to maintaining their employment during gender transition and raised the awareness of gender issues throughout society.

Today the Gender Centre remains committed to the support and well-being of transgender people, now with 3 refuge houses and 6 exit units housing up to 17 residents at any time.