



Anawim - Transgender Policy for Services

Aims and Scope of the Policy

Anawim is a Women's Centre based in Birmingham that provides a holistic service to women across the city.

This policy sets out how Anawim will support the needs of transgender or trans residents, service users, and staff.

Anawim are committed to creating an environment where the gender identity of everyone is respected and where all are afforded dignity and equal rights. We recognise the value and diversity of trans people within the organisation including those who are of any age, race, sexuality, religion, disability, occupation and family situation. This policy supports our commitment to delivering services which are inclusive, accessible and appropriate to the needs of all, irrespective of their background.

This policy outlines how we create a transgender-inclusive environment for our residents, service users and staff. This guidance helps us to ensure our services are inclusive and in line with our statutory obligations

What is Transgender?

When we use the term 'transgender' or 'trans' we are referring to the umbrella terms to cover the ways in which people refer to gender identities which differ from those assumed and expected by society. Transgender or trans people may identify as transgender, trans male, trans female, male, female non –binary, or they may feel that neither label fits them, or only fits them sometimes. The best way to know how to refer to someone is to follow their lead and use the terms, names and pronouns that they do.

Equality and Diversity Implications

Anawim supports and respects diversity in all aspects of its functions and views discrimination of residents, service users and staff as unacceptable in any form. This policy is designed to promote trans inclusion and the rights of our residents, service users and staff to be treated with dignity and respect and to be in environments that are free from discrimination and harassment.

The Equality Act 2010 protects people sharing a **protected characteristic** from discrimination and harassment. Protected characteristics include sex (being a man or a woman) and gender reassignment (an individual who is 'proposing to undergo, is undergoing or has undergone a process or part of a process to reassign their sex). There is no requirement for a trans person to have any kind of medical supervision or intervention in order to be protected from gender reassignment discrimination. The Code of Practice for the Equality Act 2010 specifically addresses gender reassignment discrimination in single sex services at paragraphs 13.57 to 13.60¹. In applying the Code of Practice we will:

¹ https://www.equalityhumanrights.com/sites/default/files/servicescode_0.pdf

- Treat trans people according to the gender role in which they present
- Only consider excluding trans people on a case by case basis and if we think that it is the only or most proportionate way that we can keep all our service users safe or achieve any other legitimate aims (see further below). If considering exclusion, we will always ask ourselves if there is a way that we could adapt our service to avoid exclusion first.
- Ensure trans people are treated in a way which best meets their needs & discuss with them the best way to enable them to have access to our services or any other services that we might support them to access.

Access to Our Services

Anawim was founded and is run as a women's centre that provides a holistic service to women across the city. "Anawim is therefore a single sex service, which is permitted under schedule 3, part 7, section 27 of the (EA) and is not discriminatory on the basis of sex.

The reason we restrict access to women is because most of our service users have survived significant abuse from men, and have other particular impairments or vulnerabilities which in our experience means restricting access to our service to women is the best way to meet their needs and create the safe and nurturing space we strive for. The Equality Act recognises that organisations like Anawim must be able to provide single sex services, which is why Anawim is permitted by the Equality Act to restrict services to women.

Although we are permitted to run a single sex service, we take very seriously the need for us to provide and promote a trans-inclusive culture. We will consider all requests to access our services on a case by case basis and will carry out reasonable investigation into the circumstances of each applicant, and our other service-users, as necessary. A full risk assessment will be carried out, especially for access to the residential.

The Equality Act permits Anawim to exclude trans people if we think that it is the only or most proportionate way that we can keep all our service users safe or achieve any other legitimate aims (which means in statutory language: "the conduct in question is a proportionate means of achieving a legitimate aim"). For us this means that we can exclude trans people if it is necessary to protect the safety of existing service-users, or the applicant's own safety, or the privacy of existing service users, and there is no other proportionate way – other than excluding that person - that we can achieve that aim. We note that there is little guidance or caselaw to help us to apply this exclusion and if we need to apply it, we will do so as best we can and in good faith. We will use the Equality and Human Rights Commission's Statutory Code of Practice to the Equality Act 2010 for Services, public functions and associations as appropriate².

Gender Recognition Certificates

The Gender Recognition Act (2004) enables transgender people who have lived full-time for two years full-time as with the gender they wish to identify are approved by the Gender Recognition Panel (GRP) to purchase a Gender Recognition Certificate (GRC) which gives the rights and responsibilities legally attached to the gender they identify as. People who do not identify as male or female, or whose applications are turned down, are unable to access these rights. Irrespective of trans people's legal rights. Anawim will ensure **all female clients** who identify as trans or gender diverse are protected

² https://www.equalityhumanrights.com/sites/default/files/servicescode_0.pdf

from discrimination, and access to our services for those with a GRC will be considered in line with our policy on a case by case basis.

Promoting Trans Inclusivity

Anawim is a women's centre and provides a holistic service committed to providing services based on the gender. All women's services should be open to trans women. This is in accordance with the law and our organisational values.

Research looking at trans people's experiences of domestic abuse has found not only high levels of abuse but also fear that services would be unwilling or unable to support them. We believe all women should receive the service they need and deserve.

Where a trans person is provided with access to our services, we will work to ensure that they are included and integrated in our services. For example, if other clients express discomfort around sharing a service with a trans person staff can help to educate them (much in the same way as we would positively challenge any comments around race, religion or sexual orientation).

Managers will also work, with input from the person in question where appropriate, in the following specific areas:

- Disclosure to other staff and service users in the service. The choice about the pace and method of disclosure must be within the control of the individual.
- Keeping the person's previous identity completely confidential for example strictly controlling access to the client's records.
- Planning around the use of certain facilities including toilets, changing facilities and showers.
- Planning any risk factors including being subject to discrimination from other staff or service users and how this will be robustly managed.
- Transferring to a different service. If the individual wishes to transfer, wherever possible managers should support this request.

Information Management

Clients' personal information is protected by law and we cannot give personal or sensitive information to anyone without consent unless there is immediate risk of serious harm Information about a client's gender history or identity will be kept **strictly confidential**. We will monitor data around gender identity in relation to client satisfaction and client outcomes.

For the purposes of the Data Protection Act 2018, gender reassignment and any information relating to an individual's gender history would constitute 'sensitive data' which can only be processed for certain specified reasons.

Challenging Discrimination

Harassment on the basis of gender identity will not be tolerated by Anawim and will be dealt with robustly. Anawim recognises that trans service users are particularly vulnerable to abusive and harassing behaviour and will ensure all managers, staff, service users and other stakeholders understand our expectations.

Creating a Welcoming Environment

Anawim will create a welcoming environment for trans service users, which might include:

- Putting in place reasonable measures where sex specific facilities do not afford reasonable levels of privacy. This might include providing one accessible gender-neutral bathroom and communicating clearly that trans women are welcome to use the toilet or changing facilities that best fit their gender identity.
- Discussing the use of changing/showering facilities and toilets with a view to agreeing a suitable arrangement. An appropriate stage for using the facilities of the new gender is likely to be the change of social gender.
- Staff should map out a client journey within their service and think about any circumstances where misgendering may occur. For example, avoiding assuming a client's gender over the phone and instead using gender neutral pronouns.
- Giving careful consideration to the verbal environment and recognise that the things staff say or don't say make a huge difference to whether trans people feel a valued part of our organisation.

Staff training and Development

All Anawim staff are expected to familiarise themselves with trans inclusive best practices and guidance. This can be achieved through engaging with specialist providers, through listening to trans people's experiences and through conducting ongoing reading and research. See (<https://www.scottishtrans.org/wp-content/uploads/2016/05/Stronger Together – September 2015.pdf>) that sets out best practice in how trans victims of domestic violence should be treated. The approach set out in that document applies equally to Anawim's service users and should be followed.

Role of the Managers

Each manager is responsible for promoting equal opportunities in practice and, where applicable, for preventing service user and staff discrimination.

Line managers are responsible for:

- Managers (and any other member of staff acting as a point of contact) should ensure they are familiar with this policy and any other appropriate in order to support the individual fully
- Ensuring that all staff are aware of this Policy and attend any relevant training
- Agreeing a plan with the individual who is proposing to transition to ensure that they are supported throughout the process.
- Ensuring that a transgender person is addressed and treated as the gender they identify with.

Dawn House – on-site accommodation

Our on-site residential accommodation (known as 'Dawn House'), provides accommodation for our service users when released from prison. We have single sex rooms which are en-suite. The only communal and shared area is the kitchen and lounge which is accessible by all residents and staff. All prospective residents are put forward for consideration by the prison in-reach team. Once they have engaged the woman and explained the expectations of accepting a place at Dawn house, her application is put to a panel for consideration. Before doing this a needs and Risk assessment as well

as support planning will be carried out without reference to the individual's gender status, considering the needs and risks associated with the trans person in question and our other service users and staff.

Transitioning service users

If an existing service user discloses that they are planning to transition, services - as they would with any service user disclosing relevant information about themselves. We will offer support.

We aim to ensure service users who choose to transition are well supported and never suffer any discrimination or harassment as a result of transitioning. We recognise the immense value of our trans clients and welcome the diversity of throughout and experience that they may bring. When a client transitions, we will reassess their eligibility for access to our services in line with this policy.