

It's Not Rocket Science

Policies & Procedures

For services working with
Transgender clients



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Foreword

The Gender Centre has been the lead and only Transgender specific agency servicing Transgender clients in NSW for over 20 years. However as human service agencies have developed, so has the complexities of clients and demand for such services with 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 NSW law, only some people who are transgender are legally counted as being their preferred gender rather than their birth gender. You are legally your preferred gender if you are what the law calls a 'recognised transgender' person (see glossary of terms).

Under NSW anti-discrimination law you can only be a recognised transgender person if:

- you have a new birth certificate issued by the NSW Births, Deaths and Marriages Registry 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 NSW birth certificate issued if ALL of the following are the case:

- your birth was originally registered in NSW;
- 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 clients who access homeless inner city of Sydney services, the above certificates are unrealistic to obtain. Therefore services that support clients who are not legally recognized as their identified gender are faced with many challenges in accessing appropriate support and service for their transgender clients.

It is hoped through the provision of this document, that it will provide agencies with a frame work in which to approach transgender client's support. That is, that they will provide a service to Transgender clients in the same way as they would provide to any other client with complex needs, and through 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 lack of data collected on Transgender persons lives—the National Bureau of Statistics does not allow people to identify as anything but female or male, as with all government departments. It does not allow the collection, or even the recognition of people identifying outside the 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 are transgender's frequently asked to endure the emotional injury of being classified as, and treated according to the gender to which they do NOT identify, but also many services are physically unsafe for transgender people.

Transgender women who were born male but identify and live as women can risk verbal, physical, and 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 transgenders 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 transgendered condition 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 the 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 policies and procedures manuals, to assist staff in the provision of appropriate service delivery in accommodation services and projects to meet the needs of Transgender clients accessing Inner city services

Being Transgender is not a choice or decision

It is simply a reality

Glossary of Terms

Transgender

A transgender person is someone who:
identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex;
has identified as a member of the opposite sex by living as a member of the opposite sex;
or
who is of indeterminate sex but identifies as a member of a particular sex by living as a member of that sex.

Recognised Transgender Person

A 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. Births Deaths and Marriages Registry 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 is, and should be treated as a woman

Discrimination

Treat people them unfairly or less favorably because the 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 Qualities, mannerisms, duties and cultural expectations accorded to the assigned gender

Gender Identity What we feel our gender to be at any given moment

Gender

Assignment What authorities say I am—usually assigned male or female at birth

Gender

Attribution What we do when we meet someone. We decide whether they are a man or woman or something indeterminable—based on a person's cues, ranging from physical appearance and mannerisms

Transgender women refers to transgender people who were born male, but now live as women.

Transgender men refers to transgender people who were born female, but now live as men.

Intersex may have biological characteristics of both the male and female sexes

Transsexual Transsexual people identify as, or desire to live and be accepted as, a member of the sex opposite to that assigned at birth.

Cross dresser is a person who has an apparent gender identification with one sex, and who has and certainly has been birth-designated as belonging to one sex, but who wears the clothing of the opposite sex because it is the clothing of the opposite sex." This excludes people "who wear opposite sex clothing for other reasons".

Section 1

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 SAAP services

Services are managed efficiently and effectively in order to provide maximum benefit to each client regardless of their gender status

Transgender clients are to be given the same placement options as other clients of their chosen gender identification

Transgender clients are to be addressed by their name and appropriate pronouns according to their chosen gender

Staff act in a way which respects the rights of Transgender clients

Some 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 confidential information about that persons transgender status

Refusal to allow use of sanitary facilities appropriate to there gender

Treating that person less favourably than others

Use of derogatory pronouns such as it or thing

Staff Policy

Staff need to be aware of their own prejudices and belief systems which may impact the accessibility of service delivery to Transgender clients.

Service policies for treating clients with respect and sensitivity needs 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 in their identified gender.

Male to Female clients are not to be called by their male given names or referred to as he

Female to males 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 “what name would you like to be called” “what pronoun is appropriate”

Use she for transgender women and he for transgender men “even if you are not in the clients presence”

While mistakes do occur the important aspect is that staff make real attempts to use the client’s preferred name and pronouns. When a mistake has been made, staff should acknowledge the mistake to the client.

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

Safety concerns

Staff should be aware of clients 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 will ask each incoming residential client whether or not he or she has any fears about safety while in the service, (If so staff will discuss ways of addressing these concerns)

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 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.

Transgender clients are to be housed according to their chosen gender identification

Section 2

Intake and Assessment

The purpose of intake is to identify client's needs at first contact and to ensure as far as possible that these needs are met

This can be done by ensuring

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 consumer of this service

Staff who have contact with individual clients have a responsibility in managing client risk.

All staff manage risk according to their responsibilities and accountabilities

A large proportion of risk arises from client needs and behaviours and therefore requires a risk management response that is tailored to the individual and their associated behaviours and not their gender identity.

Essentials to be included into the intake procedure for all agencies

Use of Preferred name and whether or not the resident prefers to be called

“he or she”

Placement of housing

Privacy in showering and bathrooms

Safety concerns

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 that the service has made available for transgender clients

Single room accommodation if available is to be offered to all transgender clients, unless that client indicates that shared accommodation is acceptable within the same gender identification

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

Showering and bathrooms

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 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

Transgender clients are to be provided with access to suitable toilet facilities of the gender with which they identify



Section 3

Harassment

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

Staff have a responsibility and obligation to intervene should harassment occur, ensuring such behaviour cease immediately

Procedure for staff to follow when harassment occurs

Staff 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

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

Intervening on 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 clients 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 with out discriminating against transgender women.

As a worker, it can some times 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 hear clients having these types of discussions, or if they are directly asking you these types of questions it is important to stress your agencies policy on safety and respect for everyone and stop those types of conversations.

Transgendered women are not men

It is disrespectful to talk about a transgender client in this manner (ie. Referring to them as a 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 not feel welcome at the service.

If the client continues the behaviour follow your agency policy regarding clients not following 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 residents feel unsafe because of their own history of assault have a discussion with the resident individually about why she feels unsafe. This conversation can cover the fact that there are no men in the shelter (transgender women are not men) and that the shelter welcomes all types of women who are not safe on the street. 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.

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 clients right to confidentiality are protected in a number of ways; clients should be informed on intake regarding these rights

To ensure that xxxxxx service is of appropriate quality and meets the SAAP standards, the following policy has been developed for client records

Procedures for maintaining confidentiality

Information regarding clients are kept in a locked filing cabinet

This information is only accessible to the coordinator and staff working directly with the client

An individual file for each client following intake

Staff members are prohibited from discussing client matters inappropriately

Information kept encompasses only information necessary to the provision of service

Information should be non-intrusive, 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's to sign the release of information form

Clarify with the client prior to discussing their information with a service/provider how they are known to this person, and how they would like you to identify them.

I.e. At some boarding housing clients find it safer to identify as their male name and pronoun, even though they identify as female

Further information

Sources of Further Information:

The Gender Centre Inc.
41 to 43 Parramatta Road
Annandale N.S.W. 2049
Phone (02) 9569 2366
Fax (02) 9519-8200

www.gendercentre.org

<http://wagectransgenderproject.wordpress.com>

An online transgender resource, developed with transgender clients of Women's & Girls' Emergency Centre, which also has worker resource pages

<http://sageaustralia.org>

http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_transgender

<http://www.transgenderzone.com/library/hl/pdf/TransHomeless.pdf>

Anti-Discrimination Board
Level 4, 175-183 Castlereagh Street
Sydney N.S.W. 2000
Phone (02) 9268 5544
Fax (02) 9268 5500

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.