



# **Supporting Transgender and Non-Binary People at College**

**December 2022**

## 1. Introduction

The following guidance is aligned with the Scottish Governments 'Supporting Transgender Young People in Schools: Guidance for Scottish Schools' (2021), and draws upon evidence and advice from LGBT Youth Scotland.

The guidance was developed in partnership with transgender and non-binary students. Their experience and feedback has helped shape the document. We are grateful for their valuable input.

## 2. The Equality Act 2010

The Equality Act 2010 covers discrimination based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are known as 'protected characteristics'.

The Act provides protection from discrimination, harassment and victimisation for those with a protected characteristic.

A person will be protected because of gender reassignment:

- Once they make their intention known
- They plan to undergo gender reassignment
- They dress, behave or live according to the gender with which they identify
- They go through treatment related to gender reassignment, such as surgery or hormone therapy
- They have a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004

## 3. Bullying

*"People would ask me invasive personal questions in the middle of lessons and the teacher would do nothing."* (LGBT Youth Scotland, 2022)

Transgender people face a disproportionately high level of bullying. All members of staff should address and respond appropriately to bullying behaviour, including transphobic bullying.

According to recent research, 69% of people believe that transphobia is a big problem in Scotland, and only 28% of people think rural Scotland is a good place for LGBTQ+ people to live (LGBT Youth Scotland, 2022).

Transphobic bullying is behaviour or language that makes a person feel unwelcomed or marginalised because of their gender identity (how they feel inside) or gender expression (how they express their gender through their appearance and/or behaviours).

Transphobic bullying can include:

- Name calling, rumour spreading and gossiping about a person's gender identity
- Physical attack
- Excluding someone from conversations, activities and games
- Threatening someone
- Gestures, looks and other non-verbal communication
- Harassment and/or intimidation
- Deliberately using the wrong name/pronoun. This is different from someone trying their best and making a mistake.

## **4. Is transphobic bullying a hate crime?**

*"I see it everywhere, whether it be passing comments, social media, newspapers, it's out there"* (LGBT Youth Scotland, 2022)

Whether bullying behaviour is considered a hate crime depends on the circumstances of each case.

Bullying behaviour is considered as criminal if the offender demonstrates ill-will towards the person based on their trans identity, or perceived trans identity, or where it can be proved that the offense was motivated by ill-will towards transgender people.

Advice and guidance can be sought from Police Scotland if there is a concern that a hate crime may have taken place.

More information on reporting a hate crime or hate incident is at:

<https://www.scotland.police.uk/advice-and-information/hate-crime/>

## **5. Responding to incidents**

Everyone should feel safe, respected and included at Borders College. Here are some positive ways to respond to a disclosure of transphobic bullying:

- Listen
- Explore the options open to the person
- Take the views of the person seriously, considering what they want to happen next
- Remember to think about privacy and any legal impact of sharing information with others
- Take steps to address any underlying prejudice in the college
- Address any transphobic language used in the college environment

## 6. Helping people feel safe

We can help people feel safe from transphobic bullying by making sure our policies and practice are supportive. Here are some ways you can make transgender people feel safe at college:

- Know the anti-bullying policies and college procedures
- Use gender-neutral language in college documents and communications
- Help students learn more about transgender issues and create a culture of respect and inclusion
- Investigate fully all incidents of discrimination, intimidation, harassment or violence
- Role model inclusive behaviour and challenge transphobia

## 7. Coming out

*“The people I came out to first had already expressed views in favour of trans rights and queer identities themselves.”* (LGBT Youth Scotland, 2022)

LGBTQ+ people usually feel they need to ‘come out’ to let others know that they identify, and live their lives differently, from the normal assumption of straight/heterosexual and cisgender (identifying as the sex assigned at birth).

Transgender people often delay coming out because they worry that those around them will respond negatively, or reject them.

Some people will come out to everyone in their life and others will choose to come out to a trusted few. Coming out is often a gradual process. Only the individual can decide when and who to tell.

Coming out is a personal choice; people should never be forced to come out if they do not feel ready. Details of someone’s gender identity or expression should never be shared without consent.

## 8. Responding to people coming out

People are often nervous when they come out. Here are some positive ways to respond to someone who comes out to you:

- Take time to listen and show empathy
- Say ‘thank you’: the fact they have trusted you enough to speak to you is a privilege
- Don’t say ‘it’s just a phase’. This can diminish the importance of the issue.
- Ask what pronoun you should use to address them. Check if that’s all the time or just in certain circumstances.
- Ask if you can share the information, and with whom.
- Check if there is anything else they want to talk about, and how things are at home. Are their family aware? Are they well supported?

## **9. Changing name and recorded sex**

If a student wants to change their name or recorded sex formally, they should tell the College. Colleges do not need to ask for anything else – name change can be made at any time in Scotland. Changing recorded sex on college systems has no effect on a person's legal sex.

If a student is under 16, it is recommended that consent is obtained from those with parental responsibilities.

## **10. Changing name in law**

Under 16s cannot change their name by law; only those with parental responsibility can do this. Applications to change the name on a child's birth certificate can be made to National Records of Scotland.

Over 16s can legally change their name in the same way as adults, via a Statutory Declaration of Name Change.

Currently there is no way to change the sex recorded on a birth certificate for under 18s in Scotland. However, sex recorded on passport, medical records, educational records and other documents can be changed.

## **11. Using pronouns**

Take care not to 'out' someone by using a pronoun that differs from the one the person usually uses in public.

Avoid 'deadnaming'. This is where someone intentionally calls a transgender person by their name assigned at birth.

It is good practice to introduce your own pronouns with a new group of students, and encourage them to do the same. This will give everyone an opportunity to share their identity with the group.

## **12. Toilets and changing rooms**

There is no law in Scotland that states only people assigned male at birth can use men's toilets, or that only people assigned female at birth can use female toilets.

Transgender people should never be forced to use a toilet or changing room of their sex assigned at birth.

Gender neutral spaces are available in the event that a transgender person feels uncomfortable using a single sex toilet or changing room that matches their gender identity.

Evidence shows that people can feel vulnerable to bullying whilst using toilets and changing rooms. Because of this, some transgender people may decide to go home to use the toilet, or may limit their fluid intake throughout a day. This has implications for health and safety and wellbeing, attendance and attainment. It is important that transgender people are offered the opportunity to use the facilities they feel most comfortable with, and that all students are made aware of the availability of gender-neutral spaces.

### **13. Binding**

Some transgender males will choose to wear a binder to flatten their breast tissue. Binders are very tight and can lead to shortness of breath. They can be painful to wear during physical exercise.

There are health risks associated with wearing binders that are too tight.

Binders can have a positive impact on a person's mental health so staff should allow the person to decide for themselves about whether or not to wear a binder.

For courses that include an element of physical exertion, reasonable adjustments and personal risk assessments should be completed.

### **14. Support to transition**

Not all transgender people seek medical assistance to transition. For those who do, support is available through one of four NHS Gender Identity Clinics (GICs): Glasgow Sandyford GIC (adults and young people), Edinburgh Chalmers GIC (adults), Aberdeen Cornhill GIC (adults) and Inverness Riagmore GIC (adults).

People can be referred to the clinic by their GP, parents or carers, an outside agency or via self-referral.

There is a waiting list, so people may have a while to wait before an appointment, which can be very difficult. Wellbeing support and engagement with local LGBTQ+ services should always be offered in the interim.

If a GIC diagnoses someone with gender dysphoria, it can offer ongoing support. This may involve a range of medical interventions.

## 15. Additional resources

LGBT Youth Scotland: [www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)

Scottish Trans Alliance: [www.scottishtrans.org](http://www.scottishtrans.org)

Stonewall Scotland: [www.stonewallscotland.org.uk](http://www.stonewallscotland.org.uk)

Mermaids: [www.mermaidsuk.org.uk](http://www.mermaidsuk.org.uk)

Young People's Gender Service (below the age of 17):  
[Scottish Gender Identity Services - Scottish Trans](http://www.scottishgenderidentityservices.org)

Edinburgh Chalmers GIC (adults aged 17+):  
<https://www.lothiansexualhealth.scot/gender-identity-clinic/gic/>

## 16. Glossary of terms

### Binding

A range of methods used to flatten breast tissue. Usually this means wearing a commercial binder but some people will use home-made methods as a cost-effective alternative. Home-made options can carry risk of injury and permanent damage.

### Cisgender

Used to describe people who are not transgender. "Cis" is a Latin prefix meaning 'on the same side as'. A cisgender person is someone whose gender identity is aligned with the sex they were assigned at birth.

### Coming out

A lifelong process of self-acceptance. People come to understand their sexual orientation and gender identity/expression first, and then may reveal this to others.

### Deadnaming

Calling someone by their birth name after they have changed their name. This term is often associated with transgender people who have changed their name as part of their transition.

### Equality Act 2010

Provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

### Gender dysphoria

The distress or discomfort that might occur in people whose gender differs from their sex assigned at birth.

### **Gender expression**

The external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, voice and/or behaviour.

### **Gender identity**

A person's understanding of their own gender. Everyone has a gender identity. For most people this matches the sex they were assigned at birth. For transgender people, their gender identity does not align with the sex they were assigned at birth, or does not fit into one of the two binary genders.

### **Gender Recognition Act 2004**

The Gender Recognition Act created a process for the legal recognition of an individual's acquired gender, which enables changing the sex recorded on a person's birth certificate.

### **Gender Recognition Certificate (GRC)**

If an individual is 18 years or older, has lived in their affirmed gender for at least two years and intends to continue living in the affirmed gender, they can apply to receive a Gender Recognition Certificate (GRC). A GRC enables individuals to change the sex recorded on their UK birth certificate. An individual can receive a GRC without having undergone hormone treatment or surgery.

### **Hate crime**

A crime that is targeted at a person because of hostility or prejudice towards that person's disability, race, religion or belief, sexual orientation or transgender identity.

### **LGBTQ+**

Acronym for lesbian, gay, bisexual, transgender, and queer. The '+' recognises all non-straight, non-cisgender identities.

### **Non-binary**

Used by people who experience their gender identity and/or expression as falling outwith the binary gender categories of man and woman. Many non-binary people also call themselves transgender and consider themselves to be part of the trans community. Others do not. Always ask people what words people use to describe themselves.

### **Pronouns**

Words we use to refer to people's gender, for example 'he' or 'she'. Some people prefer gender neutral language to describe their gender and use pronouns such as they/them or ze/zir.

### **Transgender**

Used to describe people whose gender differs from the sex they were assigned at birth. Being transgender is not dependent on physical appearance or medical procedures. A person can identify as transgender from the moment they realise their gender identity is different to the sex they were assigned at birth. Trans is a commonly used shorthand for transgender.



## Transition

The process a person undertakes to bring their gender expression into alignment with their gender identity. The process is complex, occurs over a long period of time, and the exact steps taken will vary from person to person. Transition can include:

- *Social transition* – Telling friends, family and co-workers, using a different name and pronouns, dressing differently etc.
- *Legal transition* – Changing your name and/or sex marker on documents like a passport, drivers licence etc.
- *Medical transition* – Hormone therapy and/or one or more surgical procedures.

## Transphobia

A fear or dislike of someone based on the fact they are trans, including denying their gender or refusing to accept it. Transphobia can be targeted at people who trans, or perceived to be trans.

## 17. References

LGBT Youth Scotland (2022). *Life in Scotland for LGBT Young People*. LGBT Youth Scotland. Available at: <https://www.lgbtyouth.org.uk/media/2712/life-in-scotland-for-lgbt-young-people-2022-e-use.pdf>

Scottish Government (2021). *Supporting Transgender Young People in Schools: Guidance for Scottish Schools*. Scottish Government. Available at: <https://www.gov.scot/publications/supporting-transgender-young-people-schools-guidance-scottish-schools/>