

Trans Inclusion & Woodcraft Folk

Woodcraft folk is an inclusive movement, where we strive to include and support people of all backgrounds and identities. As people who believe in peace, equality, and education for social change, we should all strive to make sure that transgender people are welcomed and included in our movement. This document aims to provide an outline of the best way for us to support, understand, and include transgender young people and volunteers in our woodcraft groups. It also includes an overview of the legal rights and protections afforded to transgender members of our organisation.

- **Transgender (or trans) person**

A broad, inclusive term referring to anyone whose personal experience of gender extends beyond the typical experiences of those of their assigned sex. Amongst others, transsexual people, non-binary people and cross-dressers may all consider themselves transgender people.

- **Cisgender (or cis) person**

Cisgender refers to a person whose gender identity matches that which they were assigned at birth. Although the majority of the population fits into this category, we should avoid thinking of it as 'the norm', as this is a categorization which is harmful to trans people.

Trans Inclusion & the law

In recent years, legislation has been introduced to recognise a person's right to determine their own gender and to ensure they are not unfairly treated in various areas of their lives. The key laws that are relevant to the provision of services to transgender people are the Equality Act 2010 and the Gender Recognition Act 2004.

Equality Act 2010

The Equality Act 2010 identifies nine protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity) in respect of which discrimination, harassment and victimisation are unlawful. The Act makes provision about discrimination, harassment and victimisation in various areas of life, including employment, education and the provision of services. All employers and service providers, whatever their size, are bound by the Act – this includes all Woodcraft Folk groups, camps and other activities.

For the purposes of this guidance, the relevant protected characteristics are gender reassignment and sex.

The Act defines the protected characteristic of gender reassignment as follows:

"A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."

The Act protects people of all ages, regardless of whether they are children or adults.

The characteristic applies to anyone who has **proposed**, started or completed a process to change their sex. A person **does not need** to be under medical supervision to qualify for protection.

Someone assigned female at birth who makes the transition to live as a man and a person assigned male at birth who makes the transition to live as a woman both share the characteristic of gender reassignment. Currently it has yet to be tested in law as to whether the characteristic of gender reassignment is held by those who are non-binary (regardless of the gender they were assigned at birth).

The Act defines the protected characteristic of sex as follows:

"a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;"

An organisation must not unlawfully discriminate against someone, victimise them or harass them because of the protected characteristics of gender reassignment or sex, or because a person is perceived to have these protected characteristics; for example, because they think the person intends to undergo, is undergoing or has at some time in the past undergone gender reassignment; or because of their association with someone with this protected characteristic.

Discrimination may be direct or indirect. Direct discrimination occurs where a person is treated less favourably than other people because of a protected characteristic such as gender reassignment or sex.

Examples:

- Deliberately not using someone's chosen name and pronoun when you use the correct terms for everyone else.
- Refusing to update someone's gender details on your system.
- Refusing to serve someone or excluding them from services because of gender reassignment.
- Refusing to allow a woman to use female facilities because staff perceive her to be male.

Indirect discrimination occurs when a blanket criterion or practice puts a person with a protected characteristic at a disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. For example; requiring someone to present their birth certificate as a form of identification (which could 'out' them as being transgender) when a passport or driving licence would be an equally appropriate form of identification as this may impact adversely on some trans people. It would not be discriminatory to ask for a person's birth certificate if it is necessary to confirm their legal gender (although for most services such circumstances will be rare).

Harassment is unwanted conduct in relation to a protected characteristic and the conduct has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Unwanted conduct of a sexual nature which has a similar purpose or effect also constitutes harassment.

Example:

- Transphobic comments, jokes or banter.

- Social media trolling and other unwanted online behaviour.
- Isolation, exclusion and making a person feel emotionally or physically unsafe.

As an organisation wishing to increase and widen participation, we should take reasonable steps to meet the needs of those with the protected characteristic:-

The Equality Act 2010 says that organisations may treat people with the protected characteristic of gender reassignment differently in very particular and limited circumstances. The key areas in which people with the protected characteristic of gender reassignment may be treated differently under the law are:

- Some competitive sport.
- The provision of separate and single sex services.
- Religious marriage services.
- Insurance contracts.
- Communal accommodation.

As a co-educational organisation we seek to support the participation of all children and young people, and all adults who have a contribution to make towards our groups, campaigns and events. Of the list of exceptions the only one relevant to Woodcraft Folk is communal accommodation – tent or dormitory sharing. Practice across Woodcraft Folk varies and is often influenced by the venues, canvas and spaces each group uses.

Careful consideration should always be given to allocating dormitories/tents. It is not appropriate to simply divide by gender, but to consider the needs of all participants – some will be homesick, some prefer privacy, some need support due to medical needs. Best practice would suggest:

- Providing privacy, including secure spaces for changing clothes, washing and personal care. Gender neutral accessible wet rooms and toilets can provide this facility for any individual at many campsites and centres.
- Asking all participants how they wish to organise sleeping arrangements e.g. large bell tents, smaller tents, individual hammocks, mass sleepover in a hall
- Asking all participants for suggestions of who they wish to share with, and trying to allocate everyone's wishes.
- Being clear with all children, young people and parents/carers of the sleeping arrangements e.g. dormitories

Trans Inclusion & safeguarding

There are no issues under child protection or safeguarding law or practice specific to trans children and young people aside from what is in place to keep all children and young people safe. For example, there is nothing that would prohibit trans children and young people using the changing rooms or toilets which reflect their gender identity.

You should however be mindful that a trans child or young person is vulnerable and may experience transphobic bullying, abuse, or violence. Particular care should be taken to support trans children and young people when accessing changing rooms or toilets which are also accessible to other groups or members of the public e.g. at a swimming pool or public toilets when out on a walk.

There is an unfounded fear that trans children will abuse other children, there is no evidence to suggest that this is the case. Woodcraft Folk has not received any disclosures of abuse perpetrated by trans children or young people against non-trans participants.