

LGBTI+ Cross-Party Group

Tuesday 26th April 2022, 6pm - 8pm

Meeting hosted online via Zoom

Minutes

Agenda

1. Welcome and apologies

Members present

MSPs:

Emma Roddick MSP (Co-convener)

Alexander Stewart MSP

Organisational members:

Hugh Torrance, LEAP Sports

Jim Hume – Support in Mind Scotland

Iain Campbell – Dumfries and Galloway LGBT Plus

Alan Eagleson – Terrence Higgins Trust

Rebecca Crowther – Equality Network

Vic Valentine - Scottish Trans Alliance

Tim Hopkins – Equality Network

Eleanor Sanders White – Equality Network

Florence Oulds – Scottish Trans Alliance

Colin Macfarlane – Stonewall Scotland

Sarah Anderson – LGBT Youth Scotland (second half only)

Paul Daly - LGBT Youth Scotland

Rebecca Hoffman – LGBT Health and Wellbeing

Emma Cuthbertson - Feminist Gender Equality Network

Kira McDiarmid – Support in Mind Scotland

Alice Mallinson – Edinburgh Children’s Hospital

Scottish Bi+ Network

Nik James - NASUWT

Dom Miller-Graham – Our Story Scotland

Individual members:

Heather Herbert

Paul Behrens

Sarah Masson

Invited guests:

Claire Baker MSP

Brian Whittle MSP

Siobhian Brown MSP

Scott McElvanney attended in place of Emma Harper MSP

Carol Emslie (SHAAP)

Jane Gordon (SHAAP)

Apologies:

Jamie Greene MSP

Fiona Donaldson Grounds

Tristan Gray – End Conversion Therapy Scotland

Blair Anderson - End Conversion Therapy Scotland

Kevin Guyan

Christopher Ward - S-X

2. Introduction

Emma Roddick MSP introduced this LGBTI CPG and asked if there were any topical issues to be raised with the Scottish Government via member MSPs. No questions were raised by members at this time.

3. Requests to join this CPG

Dr Rebecca Crowther, from the Equality Network, noted three new requests to join the CPG, including a returning member, James Banner-Rall. The requests were:

1. James Banner-Rall (individual)
2. Ciorstaidh Reichle (individual)
3. LGB Alliance (organisation)

The convener asked members if there was support for these membership requests. The requests from James Banner-Rall and Ciorstaidh Reichle were supported by all members. No members supported the request from LGB Alliance.

4. Any other business

Paul Daly, from LGBT Youth Scotland, spoke briefly about the launch on 25th April of 'Life in Scotland for LGBT Young People'. This report had been published every five years for the last 15 years and looked at life for LGBT young people across education, work, bullying, health, rights, happiness, experiences of discrimination. This year, the report showed that many areas of life had got worse for LGBT young people in Scotland. The full report can be found here:

<https://www.lgbtyouth.org.uk/media/2712/life-in-scotland-for-lgbt-young-people-2022-e-use.pdf>

Tim Hopkins, from the Equality Network, highlighted that a report on conversion practices had been published by the EHRCJ Committee of the Scottish Parliament. This report called for a comprehensive end to conversion practices to be brought forward in Scotland, and for this to happen quickly. Tim then explained the next steps in this process. This included that legislation to introduce a ban was being progressed through the development of an Expert Advisory Group on Conversion

Practices, hosted by the Scottish Government, bringing together experts from a range of fields, including survivors of conversion practices, voluntary organisations, academics, and public bodies.

The EHRCJ Committee report on ending on ending conversion practices can be found here:

<https://digitalpublications.parliament.scot/Committees/Report/EHRCJ/2022/1/25/8c18e05c-08ab-4c7d-992b-4b0467541d70>

More about the Scottish Government Expert Advisory Group on Ending Conversion Practices can be found here:

<https://www.gov.scot/groups/ending-conversion-practices-expert-advisory-group/>

Alan Eagleson, from the Terrence Higgins Trust, flagged the Trust's membership of oversight and delivery groups for relevant Scottish Government policy work currently underway on Scotland's HIV Transmission Elimination Plan, PrEP delivery and Sexual Health and Blood Borne Virus Framework redesign. Alan explained that these were ongoing processes, and that he was happy to share anything relevant with the CPG at a later date.

Jim Hume, from Support in Mind Scotland, highlighted the work of the Scottish Rural Mental Health Forum (an online forum since the pandemic). Jim noted that the forum had an upcoming event, as well as ongoing work on isolation and loneliness, which he wanted to make sure adequately included LGBTI+ folk. Emma Roddick stated that she would like to be involved in this work.

5. Scottish Health Action on Alcohol Problems (SHAAP)

Professor Carol Emslie (Substance Use Research Group, Glasgow Caledonian University) gave a presentation sharing findings from SHAAP's new report. This report investigated the experiences of the LGBTQ+ community with alcohol services. Carol was joined by Jane Gordon (SHAAP).

Carol explained that SHAAP had been focussing their research on the LGBTQ+ community because of the increased rates of alcohol and drug use in this population. Carol set out the methodology of the research. Interviews were conducted with both LGBTQ+ people with experience of alcohol use, and with alcohol service providers.

Carol talked through the experiences of LGBTQ+ people in alcohol services, how alcohol use was often associated with fear, shame, and secrecy around LGBTQ+ identities, the link to negative family reactions to being LGBTQ+, and the use by LGBTQ+ people of alcohol as a coping mechanism.

Carol noted that LGBTQ+ interviewees had talked about overcoming shame and stigma, and the importance of trusted services or professionals in accessing support. Carol highlighted particular difficulties for the trans community, including pressure, stigma and dysphoria. Carol explained that there was a link between mental health issues and alcohol use, and noted difficulties in accessing holistic support, as services tended not to be joined up.

Carol explained that LGBTQ+ people were not always asked about their LGBTQ+ identity in alcohol services, despite this sometimes being connected with their alcohol use.

LGBTQ+ interviewees had been asked for recommendations for better alcohol service provision. These included having alcohol-free spaces in LGBTQ+ communities, and the need for training on LGBTQ+ identities.

Carol then moved on to the experience of service providers. Service providers had mixed views. Some providers saw a connection between the LGBTQ+ community and alcohol use, others showed a lack of knowledge about LGBTQ+ people and their experiences. Some providers also had concerns that they might get things wrong if they asked about LGBTQ+ identities in their services.

When asked for recommendations, service providers said that they needed training, particularly 'trans 101' training. Providers felt that there needed to be better and more targeted promotion of their services to the LGBTQ+ community, which would make it clear that they were an inclusive service. Some providers saw the connection between LGBTQ+ people and increased alcohol use as a broader cultural issue and mentioned the need for alcohol-free spaces.

Carol and Jane then explained that following on from this report, they were organising a call to action for MSPs, with a **provisional parliamentary debate date on their research findings of 11th May**. Carol offered thanks to Emma Roddick for proposing this parliamentary motion.

Alexander Stewart MSP thanked Carol for the presentation and highlighted the importance of joined up services. Alexander asked Carol whether she had found differences in services across health boards, stating that there seemed to be some areas of best practice, but that this was not consistent. Carol responded by saying that there was not enough detail in the research to see geographical differences, but that she knew that services were doing this well in Glasgow through 'Stronger Better', which she recommended as best practice.

Jim Hume also thanked the presenters, and mentioned the importance of community support, particularly in relation to mental health. Jim spoke about the importance of being able to access such community support before crisis point eg through Support in Mind. Jim explained that there was a need to include community support services in any joined-up working. Carol responded stating that it would be a useful resource to have community support services within 'Stronger Better,' and that she would follow up with Jim on this.

Paul Daly commented thanking Carol for the interesting report. Paul highlighted the role of LGBT Youth in providing safe and alcohol-free spaces for young LGBT people. Paul explained that there had been significant changes in young people's relationship with alcohol, with many seeking out spaces that did not revolve around alcohol use.

Paul noted that just 55% of young people felt supported in mental health services, and asked Carol for her thoughts on this. Carol agreed that considering age when talking about alcohol use was important. Carol explained that some young people who reached out to alcohol services were dismissed and stereotyped and were told 'young people just do that'. Carol thought that there was work to do in reminding alcohol services that young people can still have serious issues with alcohol.

Alan Eagleson then reflected on Alexander Stewart's point around inconsistencies between health boards. Alan explained that the Terrence Higgins Trust was commissioned in a number of areas, and that in some of those areas the Trust saw well joined-up services eg mental health and addictions services, while in other areas, services were more siloed. Alan felt that there was an opportunity for smarter, more joined up commissioning. Carol agreed that this was important, and that commissioners needed to consider LGBTI training as part of commissioning.

Vic Valentine thanked Carol and Jane for the presentation. Vic noted that they had previously carried out research with Oceana Maund in 2015 into this and that they knew Oceana had been working with them. Vic highlighted that it was disheartening to see that this issue was ongoing. They further noted that because of their research, they had designed bespoke training on trans inclusion, but had found it difficult to get anyone interested. Vic stated that they were unclear what the reasons for this were, but wondered if Carol thought this could be due to a lack of service provider knowledge, or more about finding the time and resources to get training going.

Carol agreed with Vic that it was hard to see the apparent lack of progress. She noted that it was difficult to tell what the blockage was, as many service providers seemed keen on the idea of training. Carol thought that some practitioners had the skills needed, but also a nervousness about asking questions. Carol felt that it was important that part of training was about building confidence around LGBTQ+ identities.

Carol did note that some other service providers were less keen on training, and that there may be a need for upstreaming to commissioners. Carol explained that she hoped with input from the CPG, MSPs and SHAAP, there may be a greater likelihood of creating progress.

Jane Gordon invited CPG members to join SHAAP's **in-person event on 9th June at the Scottish Parliament on their new report, stating:** "We would be delighted if you could join us at our event on 9th June. All MSPs will receive an internal invitation from Paul O'Kane MSP. If any external organisations are interested in attending, please contact me.'

Hugh Torrance asked that there be a correction to the minutes of the last CPG. At the last CPG, Alex Muir had attended from LEAP Sports but had not been included as in attendance.

6. "Gender Recognition Reform Bill 101"

In the second half of the CPG, invited MSPs (non-member MSPs) joined for a Q&A on the Gender Recognition Reform Bill with MSP members, LGBTI policy sector members, and representatives from LGBT Youth's Trans Youth Commission.

Vic Valentine introduced this section, briefly setting out what the Gender Recognition Act was, and why this needed to be updated. Vic explained that the purpose of this Q&A was that MSPs could ask questions on anything they felt unsure about and could understand more about why reform was needed. Vic then handed over to the two representatives from the Trans Youth Commission for their introductions.

Young Person 1 (A) then introduced themselves as a non-binary person. A talked about the importance of lowering the age at which you could apply for a Gender Recognition Certificate to 16. A explained that they knew for a while that they were not a girl, and that this was hard when their legal documents did not align with their gender. They noted that this made them not want to apply for anything, stating that it was 'the most crushing feeling as a young person to not be able to get non-binary recognition'.

A stated that 'a lack of recognition felt like a lack of respect', and that 'you are old enough at 16 to do a load of other things, you are treated like an adult in many respects but not this one'. A felt that it was hard being a young person and learning that 'you don't get to be seen as who you really are'. A highlighted that in applying to colleges, for example, they felt 'unseen'. A called for a recognition that 16-year-olds were adults and should be listened to.

Young Person 2 (B): B introduced themselves as a non-binary trans person and a trans youth commissioner for LGBTYS who also helps run a council LGBT youth group. B explained that they originally looked into applying for a Gender Recognition Certificate (GRC) in their late teens, as they had issues with documents not aligning with their gender when applying for jobs. However, they decided not to apply for a GRC after reading through the process. This was because they feared that they could be rejected without recourse, as well as the financial barriers at that time (it cost £140 when they were applying). B stated that it was a 'difficult decision' not to apply, but that even now they could afford it, the process was 'overly invasive'.

B explained that not having a GRC had led to them 'having to delay life things like marriage and having children' as they 'don't want to be registered as a wife or mother'. They stated that they were 'worried about when I die that I will be recorded as a female'. B stated: 'my life

would have been much easier when I started my social transition to have also had a GRC'. They explained that they have had 'huge issues with applying for loans for university, issues with funding', and 'discrimination in employment'. B said: 'if people could start their adult life with correct documents, there would be far less opportunity for discrimination, kids in the group I run are really worried about this, and want to just live their lives as best they can'.

Vic thanked the young people for sharing their stories and opened the floor to questions from invited MSPs. Emma Roddick thanked MSPs for coming along too.

Siobhian Brown MSP asked the first question to the CPG: 'Why do you think the debate in Scotland has become so toxic about this Bill - and have other countries experienced this whilst they were going through this reform?'

B responded first, explaining that they thought one of main reasons for this toxicity was that it 'had time to grow' between the first consultation and now. B further stated that instead of acting, the Scottish Government ran a second consultation, which B stated 'was almost unheard of, and gave opponents of the Bill time to mount a full campaign against this'. B noted that the pandemic had created further delays.

Vic then responded, stating that the difficult thing was the extent to which trans people were involved in any conversation, including on broader trans equality issues. Vic explained that trans people not being involved in conversations had encouraged looking at ideas of sex and gender in an abstract way, which was very disconnected to people's actual lives. Vic explained that we often did not hear the experiences noted by A and B, such as issues with documents not aligning with gender, and that we needed to hear these conversations more.

Vic stated that it was also important to have conversations about concerns, and any potential negative consequences of the Bill, but that trans people needed to be a part of that conversation. Vic finished by highlighting that there was some evidence of progress, with conversations happening in the Scottish Parliament in a structured way. Vic hoped that this would foster more useful and productive conversations.

Claire Baker MSP thanked everyone for their contributions and asked the following question: 'Can a bit more be said about when documents which don't match are problematic for 16/17 years olds - most documents - passports, driver's licences - can be changed without a GRC - when is a birth certificate needed? Also, I am concerned to hear about discrimination experienced - the Equality Act provides protection and a GRC is not required to have that protection as I understand it. Thanks'

B responded, explaining that Claire was right that you could update some documents such as medical files, passports etc, but that issues arose when you needed to check your birth certificate against those documents, for example, when applying for a PVG or for the right to work. B noted that both of those processes required a passport (or driver's licence) and a birth certificate. B also highlighted that this could occur if you needed to access HMRC details or when applying for jobs, stating that this is where they had found the biggest barriers.

B told the CPG that when applying for a PVG this took a year to sort out, and that they had never heard of a PVG taking that long. B explained that bodies rarely knew how to handle documents not matching. B further noted that when applying for jobs, trans people are 'automatically outed' because their documents do not match.

B noted that when documents did not match this led to discrimination. For example, B had worked several trial shifts at various employers and been told 'we would love to have you', but when it came to processing their paperwork, they were suddenly told 'actually you wouldn't be a good cultural fit'. They raised the issue that such rejections always seemed to occur only after their paperwork had been processed. While there was no explicit mention of them being trans, and this being the reason for the rejection, it seemed to only happen once their documents had 'outed' them.

A then also responded to Claire Baker's question, stating that they did not have a GRC because they did not feel comfortable enough with process. They further noted that they were non-binary and had situations where people had seen their passport (which said female) and had then asked, 'sorry what are you?', and that they received 'dirty looks'. They

explained that having documents that did not match your gender opened you up to discrimination, and that it meant that sometimes they had to go with 'whatever a person says' as they did not feel comfortable or safe enough to correct them. A finished by noting that a lot of trans young people also do not realise that they can change documents such as their driver's licence and passport, and this was a barrier.

B reinforced A's comments, explaining that a lot of people did not realise that they were protected under the Equality Act or what it does. B noted that we were privileged in this space in that we had interacted with the Equality Act and knew about it. B explained that most people did not know that they were covered by the Act, and that they did not understand its remit, stating 'the general public do not have an understanding of this, and a lack of awareness leads to discrimination'.

B also highlighted that young people did not necessarily have the resources to challenge discrimination through legal means when they did encounter it, stating 'I don't know any young people that can afford a lawyer, and people don't want to do it pro bono, as they are often difficult cases to win'.

A then commented that there was a lot of misinformation on what the Gender Recognition Bill would and would not do. They mentioned that people often said that they were concerned about women's rights and single-sex spaces, yet the Equality Act already covered this, and there were already rights for trans people to access these spaces. A noted that there was distrust of the criminal justice system by trans people, and of reporting discrimination to the police, adding, 'often discrimination is hidden not explicit'.

Emma Roddick agreed with this comment, explaining that often the LGBTI+ community faced discrimination and harassment, and that one of the main issues with current difficulties in acquiring a GRC was being constantly outed, and facing discrimination because of this. Emma noted that many people might not want people to know whether they are LGBTI+ when applying for a job.

Vic commented that often the issue was how well services understood current guidance, and whether they had considered how it will impact on trans people. Vic stated that it was presumed that if you were born in the

UK, then providing legal documents (such as a birth certificate) would not be an issue, but that when trans people had to go through that same process, that one document then acted as a 'magnifying glass of being trans'. Vic explained that trans people often had to 'sheepishly hand over a document that doesn't reflect their life, when everything else says something else'.

A commented that all the various processes of changing gender on documents made things much more difficult in many aspects of life. For example, when A legally changed their name at college, it then took months for them to access Microsoft systems with that name change. Similarly, it had taken them months to get a bus pass because they did not have a document that could prove their name. A stated 'everything becomes so much more lengthy'.

A then stressed that despite some issues with the Gender Recognition Bill, it was overall a 'huge positive change'. A ended by highlighting that 'lowering the age to 16 is so important', explaining that 'it's so exhausting to be a trans person, even in Scotland where things are more progressive, you encounter hateful comments just for being trans. It's so hard to come out, and another thing to get correct legal documents. There have been times I have cried at the idea of being able to have the body I am comfortable in, and times I have cried in trying to get legal documents'. A then thanked everyone for listening.

Emma Roddick responded that non-binary recognition was an important issue and mentioned the work of the non-binary working group report as vital. Emma stated that it was 'such a small thing to ask for to have your identity recognised in the most basic form'. Emma thanked A and B for their valuable testimonies.

B responded to Emma, noting that they really appreciated how many people were at the CPG, and that there was a fantastic opportunity for MSPs to progress this legislation. B explained that it would 'make such a big difference to our lives', and that while they had some reservations, the Bill was 'a good start to getting to where we need to be'. B closed by thanking everyone for coming and noted that it would be 'fantastic' if MSPs were able to support the Bill.

Claire Baker MSP thanked A and B for coming and asked a final question to the group: Is there a shared understanding of what living in a different gender means - the proposed time period is 3 months. And is there an understanding of what a false declaration is. Also, the policy memorandum often talks about rights - I'm not clear what context that is in because it is argued that the Bill doesn't give any increased rights?

Vic responded to Claire, stating that to a certain extent, for trans people, there is a shared understanding of what a transition looks like. Vic explained that 'living in our gender is the steps we take to let people know we want to be seen differently'. Vic noted that there was no one size fits all, but that coming out for trans people was often the difference between 'thinking in your head, this is how I see myself', and 'negotiating with the world so it sees you that way too'. Vic explained that this might seem nebulous, because the proof currently asked for of living in a different gender was often bills and bank statements etc, but that this evidence was a proxy for demonstrating that you are interacting with society and moving through the world as how you see yourself.

Vic went on to explain that a false declaration would be when someone was lying, and did not intend to live as a man or woman for the rest of their life. Vic noted that this was not about personality, or the way someone dressed, and they were clear that there was not one way to live as a man or a woman. Vic hoped that the Bill would not criminalise trans people or any person who goes on to detransition permanently, and highlighted that a declaration had to be false at the time it was made to be considered as having made a false declaration. Vic explained that something could change at a later point, say through the discrimination and the reaction someone faced when they transitioned, and this would not then make it a false declaration. However, Vic noted that the current detransition rate was lower than 3%.

Vic's final comment was that they agreed that no new rights were to be introduced through the Gender Recognition Bill, with no plans to change Section 9 of the Gender Recognition Act. Vic explained that the Bill concerned changes to the process of getting a Gender Recognition Certificate (GRC) and reducing the barriers to access for this.

Tim Hopkins then added to Vic's final point, explaining that often people thought that the Bill concerned rights under the Equality Act, but in fact

the Bill did not confer any new rights within that. Tim noted that the rules on single-sex spaces were already set out in the Equality Act, and that this did not depend on GRCs. Tim explained that there would be no direct changes to the Equality Act through the Bill, and also no changes indirectly, as it did not give people any more rights to enter single-sex spaces.

7. Emma Roddick MSP then closed this meeting of the LGBTI+ CPG.