

Guidance on researching and reporting stories involving transgender individuals

October 2016

About this guidance

The Editors' Code of Practice sets the framework for the highest professional standards for journalists. There are some situations where it is helpful for IPSO to produce guidance which explores in more detail how the Editors' Code applies to particular themes or issues. One such area is the researching and reporting of transgender issues.

This guidance does not replace or supersede the Editors' Code, but is designed to support editors and journalists who are researching or writing on transgender issues. It does not limit or restrict editorial decision making, but may inform that decision making.

This guidance is aimed at editors and journalists and may also be helpful to members of the public. If you need further advice, please contact IPSO or see the 'Resources' section at the end of this guidance.

About IPSO

The Independent Press Standards Organisation (IPSO) is the independent regulator for the newspaper and magazine industry in the UK.

We hold newspapers and magazines to account for their actions, protect individual rights, uphold high standards of journalism and help to maintain freedom of expression for the press.

What IPSO does

We uphold the Editors' Code of Practice, a set of rules which all newspapers and magazines who are regulated by IPSO must follow. We can investigate complaints about printed and online material that may breach the Editors' Code.

We can make newspapers and magazines publish corrections or adjudications if they breach the Editors' Code, including on their front page.

We can investigate serious standards failings and can fine publishers up to £1 million in particularly serious cases.

We provide training and guidance for journalists so they can uphold the highest possible standards. We work with charities, NGOs and other organisations to support and improve press standards.

www.ipso.co.uk
inquiries@ipso.co.uk
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The Editors' Code of Practice

The Editors' Code of Practice contains a number of Clauses relevant to reporting or researching stories on transgender individuals (although it is important to note that all Clauses of the Code may be relevant). There are exceptions to some Clauses in the Code (including 2, 3, 6 and 8 below) where publication of material that might normally breach the Code would be allowed in the wider public interest. Editors invoking the public interest will need to demonstrate that they reasonably believe that publication would both serve and be proportionate to the public interest.

Clause 1 (Accuracy) requires that the press must take care not to publish inaccurate, misleading or distorted information or images. The Clause also makes clear that the press, whilst free

to editorialise, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Privacy) affords everyone the right to respect for his or her private life, home, health and correspondence. The protections provided by Clause 2 are also relevant to the situation of family members or friends of individuals at the centre of such coverage, who may be concerned about potential intrusion.

Clause 3 (Harassment) provides protection to individuals from harassment, intimidation and persistent pursuit. In addition, it makes clear that if asked to desist, journalists must cease telephoning, questioning, pursuing or photographing individuals, unless an overriding public interest justifies the activity.

Clause 6 (Children) provides protection to children, to ensure that they are protected from unnecessary intrusion and to ensure that their welfare is protected.

Clause 8 (Hospitals) may be relevant when an individual is undergoing medical treatment, which could relate to their physical or mental health.

Clause 12 (Discrimination) makes clear that the press should avoid prejudicial or pejorative reference to an individual's sex, gender identity or sexual orientation (alongside other characteristics). An individual's gender identity and sexual orientation must not be referenced unless genuinely relevant to the story.

Points for editors to consider

There are a wide variety of stories which may touch on transgender issues. We have developed some key questions and points, based on the Editors' Code, which may help journalists and editors. Some points may be more relevant to particular types of stories than others, but it may helpful to consider all of the points set out below.

| Area | Points to consider | Clauses to consider |
|-----------|---|---------------------|
| Relevance | <ul style="list-style-type: none">• Would the story be newsworthy if it did not concern an individual of transgender status?• Is the individual's status relevant? | 12,2 |
| Language | <ul style="list-style-type: none">• Is the terminology being used pejorative or prejudicial?• If known, have you used the pronouns the individual uses to describe themselves in your story? | 12,1 |
| Publicity | <ul style="list-style-type: none">• Has the individual made their transgender status known?• If not, is the revelation of their status necessary to the story?• Do you know if the individual has applied for a Gender Recognition Certificate (see 'Further information'). | 12, 2 |

| Area | Points to consider | Clauses to consider |
|-------------------------|---|---------------------|
| Terminology | <ul style="list-style-type: none"> • What terminology are you using to describe gender transition? • Have you taken care not to publish inaccurate or misleading information? | 1, 12 |
| Unnecessary information | <ul style="list-style-type: none"> • Does the article include unnecessary information, such as irrelevant references to previous identities, publication of pictures of individuals pre-transition, or references to medical details? • Are you considering publishing information which could be considered a breach of privacy? | 2 |
| Statistics | It is difficult to estimate the number of individuals in the UK with gender dysphoria or who have undergone gender transition editors should present such claims with care. | 1 |

Cases involving children

Children who are experiencing gender dysphoria or undergoing a gender transition may be particularly vulnerable. The Editors' Code contains stringent requirements that are intended to ensure that children are protected from unnecessary intrusion.

- All pupils should be free to complete their time at school without unnecessary intrusion.
- Pupils must not be approached or photographed at school without permission of the school authorities.
- Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

- Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Any coverage of a child's personal circumstances must be contemplated with extreme caution and due regard for the requirement that "in cases involving children under 16, editors must demonstrate an exceptional public interest to override the normally paramount interests of the child."

If you believe that an exceptional public interest does justify coverage, you should consider how to limit the intrusion posed by

the coverage. You could do this by omitting details that could identify the child or the school they attend. Editors should be aware that this may not be sufficient to meet the requirements of the Code. Such coverage has the potential to intrude into a child's time at school even in cases where they not readily identifiable.

Vulnerability

Some individuals of transgender status will be happy to discuss their experiences with the media, others feel extremely vulnerable when their circumstances are brought to public attention through press coverage or are concerned about the prospect of coverage. When preparing stories, editors and journalists should not lose sight of the fact that individuals who are experiencing gender dysphoria, or are undergoing or have undergone a gender transition, will often be in a particularly vulnerable position.

Relevant complaints

Trans Media Watch v The Sun

Trans Media Watch, acting with the consent of Emily Brothers, complained to IPSO about columns published in the Sun. The first column reported that Ms Brothers, a transgender woman, was standing for election as an MP and questioned how she would know that she was transgender as she is also blind. The second column contained an apology from the columnist and, according to the complainant, made deliberate reference to Ms Brothers' former name.

IPSO's Complaints Committee upheld the complaint. The Committee concluded that the first column's crude suggestion that the complainant could only have become aware of her gender by seeing its physical manifestations was plainly wrong. The column belittled the individual, her gender identity and her disability, mocking her for no reason other than these perceived "differences". The comment did not contain any specific pejorative term, but its meaning was pejorative in relation to characteristics specifically protected by Clause 12. However, the Committee did not have sufficient evidence available to conclude that the inclusion of the complainant's former first name, which was not uncommon, in the apology, was deliberate.

The newspaper was required to publish an adjudication on the same page as the column and on the newspaper's website.

Christie Elan-Cane v The Spectator

Christie Elan-Cane complained to IPSO about a comment piece in The Spectator. The comment piece discussed gender issues and the contents of the Transgender Equality report, raising concerns about the recommendations in the report. The columnist named the complainant, a non-gendered person who provided evidence to the Select Committee, and criticised the complainant's use of the non-gendered pronoun 'per'. Christie Elan-Cane complained under Clauses 1 (Accuracy) and 12 (Discrimination) of the Editors' Code.

The Complaints Committee did not uphold the complaint. The Committee recognised that it was essential for publications to approach the subject of an individual's gender status with appropriate care and sensitivity. However, columnists are entitled to express themselves – no matter how unpopular or controversial their views might be. The publication had clearly distinguished comment from fact and there had been no failure to take care over the accuracy of the article in breach of Clause 1.

The writer had criticised the adoption of non-gendered language, and expressed her concern that it was part of a wider threat to individual freedom. However, the writer had not made a prejudicial or discriminatory reference to the complainant's gender identity in breach of Clause 12.

Further information

Gender Recognition Certificates

The Gender Recognition Act 2004 enables transgender people to apply to the Gender Recognition Panel to receive a Gender Recognition Certificate (GRC). If an individual is granted a full GRC they will, from the date of issue, be considered in the eyes of the law to be of their acquired gender.

The Act safeguards the privacy of transgender people by defining information in relation to the gender recognition process as protected information. Anyone who acquires that information in an official capacity may be breaking the law if they disclose it without the consent of the individual concerned. However, protected information can be disclosed for limited, defined public policy reasons, for example when investigating a crime. Editors may want to seek legal advice before making a decision on whether to publish information in relation to the gender recognition process.

Resources

All About Trans

www.allabouttrans.org.uk
info@onroadmedia.org.uk
020 7065 0795

All About Trans is a non-profit project currently managed by the charity On Road Media that encourages greater understanding between trans people and media professionals to support better, more sensitive representation in the UK media. The project offers translated 'interactions' between trans people and media professionals as well as providing guidance on coverage of trans people and issues in the media that supports greater public understanding of trans experiences and wider acceptance of the community.

Trans Media Watch

www.transmediawatch.org
info@transmediawatch.org

Trans Media Watch is a charity dedicated to improving media coverage of trans and intersex issues. It has published a number of resources for journalists including a detailed style guide, and can provide support and advice to journalists preparing features or programmes involving trans or intersex issues.

Stonewall

www.stonewall.org.uk
info@stonewall.org.uk
020 7593 1850

Stonewall is Britain's leading charity for lesbian, gay, bi and trans equality, working to create a world where every single person can be accepted without exception. In February 2015, after an extensive consultation with over 700 trans people, Stonewall extended its remit and

became a charity which also campaigns for trans equality. Stonewall's key priorities are to empower individuals, to transform institutions, to change hearts and minds, and to change laws.

FTM London

F2mlondon@hotmail.com
07948 250 778

Composed of trans men, genderqueer people and all those who were labelled female at birth and are questioning their gender identity, FTM London offers peer support, information and literature as well as regular guest speakers who are experts in gender identity issues and trans culture and a group for "significant others, friends, family and allies".

The Gender Identity Research and Education Society (GIRES)

www.gires.org.uk
info@gires.org.uk
01372 801554

GIRES is a charity. Its trustees and most of its 400 members are trans people, their relatives or friends. It provides detailed information, policy, training and e-learning on trans issues. The GIRES helpline supports trans people and those who care for them. GIRES maintains www.TranzWiki.net, a directory of over 300 groups campaigning for, supporting or assisting transgender people and their families across the UK.

Gendered Intelligence

www.genderedintelligence.co.uk

Gendered Intelligence is a not-for-profit Community Interest Company working predominantly with the trans community and those who impact on trans lives. It specialises in supporting young trans people aged 8 to 25, delivering trans youth programmes; support for

parents and carers; professional development and trans awareness training for all sectors including workshops and assemblies for students, training for staff and a mentoring scheme for young trans people.

Mermaids

www.mermaidsuk.org.uk
info@mermaidsuk.org.uk
0844 334 0550

Mermaids is a support group for gender-variant children and teenagers and their families. It offers support to parents, families, carers and others, raises awareness about gender issues amongst professionals such as teachers, doctors and social services, and campaigns for the recognition of the issue and an increase in professional services.

Press for Change

www.pfc.org.uk
office@pfc.org.uk
0844 870 8165

Press for Change provides legal advice, training, and research to trans people, their representatives, and public and private bodies. It is one of the leading agencies in the UK providing legal advice and support to Trans and other gender variant people.

Scottish Transgender Alliance

www.scottishtrans.org
info@scottishtrans.org
0131 467 6039

The Scottish Transgender Alliance works to improve gender identity and gender reassignment equality, rights and inclusion in Scotland. It has particular expertise in the areas of trans-gender healthcare, criminal justice, non-binary inclusion and reform of gender recognition legislation.