

## LGBT\* Diversity: Implications for Probation Practice

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**Summary:** On 29 April 2015, the Probation Service took a significant step in progressing its commitment to supporting and embracing diversity throughout the organisation. Staff from the Gay and Lesbian Equality Network (GLEN) joined with the Probation Service to launch its entry to the Glen Diversity Champions Programme.<sup>1</sup> This programme helps employers understand the business case for being inclusive of their lesbian, gay, bisexual and transgender employees. It gives them the confidence and the know-how to make their policies, culture and service inclusive, and an opportunity to be recognised as diversity champions, connecting them with other policy-makers and potential employees. The paper reflects on opportunities for the Probation Service to promote and support a greater understanding of the LGBT community, which respects individuals' chosen identity and facilitates 'whole self' communication.

**Keywords:** LGBTQ community, gender, lesbian, gay, bisexual, transgender, questioning, cisgender, intersex, Probation Service, professional interactions, inclusiveness, diversity, criminal justice.

### Introduction

In the decades following the establishment of the Irish Free State in 1922, the Irish education system provided a curriculum whereby girls were predominantly educated towards domesticity and boys were in the main prepared for the role of breadwinner. The expectation was that children would mirror the example of their parents, who in turn had a moral duty to encourage prescribed behaviour. This mirroring 'refers to the act of

\* The LGBT initialism is now a generic term for a community that has embraced its own evolution of diverse identities.

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<sup>1</sup> GLEN ([www.glen.ie](http://www.glen.ie)) is a policy- and strategy-focused non-governmental organisation which, since 1998, aims to deliver positive change and equality for lesbian, gay and bisexual people in marriage, at home, at school, at work, in service provision and in the wider community.

changing one's behaviour to match the responses of others' (Cialdini and Goldstein, 2004). Every stage of life was mapped out, and this was seldom questioned. Moving outside the dictates of the time would have taken courage and a commitment to social justice.

Failure to comply with these rules and norms often caused scandal, huge stress and the threat of ruin, regardless of class or social status. Seeking to 'become oneself' – identifying oneself as belonging to a marginalised group not deemed part of the societal norm – necessitates a realisation that 'yielding to the wisdom of the heart requires a courageous step into the unknown' (Dickson, 2015). The courage to take the step forward may also require support from others, which may or may not be forthcoming.

## **Milestones**

As we commemorate the centenary of the Easter Rising, it is timely to recognise other significant cultural, social and legal shifts of the past 100 years. Social change does not happen without struggle and wide debate. In the Irish context, change and maturation has not always been welcomed. The 'need to maintain order was heightened in the early decades of independence as the new state tried to define its national identity in the aftermath of colonisation' (Considine and Dukelow, 2009).

The introduction of the universal franchise in two stages, under British rule and then under Irish rule, is an example of that social change process. In 1918 women who owned property and were over 30 years of age gained the right to vote. In 1922 all Irish citizens over the age of 21 years gained the right to vote as part of the new Irish state.

In 1973 the marriage bar, which had excluded female civil servants from working after marriage, was lifted. In 1990, Mary Robinson was elected as the first female President of Ireland; she was succeeded in 1997 by Mary McAleese.

In 1993 homosexuality was decriminalised in Ireland. Divorce became part of the Irish social and legal landscape in 1996. The Employment Equality Acts 1998–2015<sup>2</sup> outlaw discrimination in recruitment and promotion and address equal pay, working conditions, training or experience, dismissal and harassment including sexual harassment. The legislation defines discrimination as treating a person in a less favourable

<sup>2</sup> <http://www.irishstatutebook.ie>

way than another person based on any of nine grounds, including gender and sexual orientation.

With the passage of the Marriage Equality referendum in May 2015, Ireland became the first nation to introduce marriage equality by a public vote: ‘a nation of equals’ (Healy *et al.*, 2016). In July 2015 the Gender Recognition Act 2015<sup>3</sup> was passed, giving those over 18 years the right to change their birth certificate to reflect their chosen gender. With this landmark decision, Ireland became the fourth nation in the world to recognise this basic human right.

In November 2015, the Marriage Act 2015<sup>4</sup> was signed into law. A total of 412 same-sex marriages have been registered in Ireland since May 2015 ([www.irishtimes.com](http://www.irishtimes.com)).

## Reflections for Probation practice

Some say that sexual orientation and gender identity are sensitive issues. I understand. Like many of my generation, I did not grow up talking about these issues. But I learned to speak out because lives are at stake, and because it is our duty under the United Nations Charter and the Universal Declaration of Human Rights to protect the rights of everyone, everywhere. (UN General Secretary-General Ban Ki-moon to the Human Rights Council, 7 March 2012)<sup>5</sup>

In exploring how the Probation Service seeks to recognise the voice of LGBT people, it is important to be open to what Coulshed and Orme (1998) describe as ‘our own reflection’ and the values and ethics that we exercise in all our professional interactions. This reflection relates to work we undertake with service users within our own and other agencies. It invites us to be cognisant of all service users, including an understanding of the needs and experiences of LGBT service users.

The Gender Recognition Act 2015 and the 34th Amendment of the Constitution (Marriage Equality) Act 2015<sup>6</sup> have implications for Probation Service practice. Our professional commitment to being inclusive of those who may belong to the LGBT community is important. It requires the capacity to hold an informed conversation with those who

<sup>3</sup> <http://www.irishstatutebook.ie/eli/2015/act/25/enacted/en/html>

<sup>4</sup> <http://www.irishstatutebook.ie/eli/2015/act/35/enacted/en/html>

<sup>5</sup> [www.ohchr.org/EN/issues/Discrimination/Pages/LGBT.aspx](http://www.ohchr.org/EN/issues/Discrimination/Pages/LGBT.aspx)

<sup>6</sup> <http://www.irishstatutebook.ie/eli/2015/ca/34/enacted/en/html>

are 'out', and indeed those who are not 'out' but are living with real concerns about how we, as professionals might react to their reality.

For some who belong to the LGBT community, their informed experience tells them that within society there is a contradiction between how they are perceived and how they wish to be known. 'From the day we are born, the standard-issue message is clear: We will grow up, become attracted to a person of the opposite sex, get married and have children' (Rosenthal, 2013). Moreover, the attitude to diversity which service users experience when interacting with Probation staff can have a lasting impact on that relationship.

Jennings's statement that 'I wish they could experience the grief and sorrow, the fear, that I feel every day' (Jennings, 2003) should remind us to be aware of the challenges that may be part of an LGBT service user's reality. The process of rethinking identity can be unsettling, especially for those who prefer conformity and what may appear to be a simple life. 'I didn't *want* to be gay – I simply *was* gay. When I told them I was gay I upended my parents' (O'Neill, 2014).

It is important to be mindful of the reaction of the significant minority who are not 'out' and still living in real fear, whether Irish or non-Irish, and the implications for Probation Service practice. While respecting the individual's right to privacy, opportunities to engage appropriately in conversations with service users who may be fearful of identifying as belonging to the LGBT community should not be overlooked. These conversations can demonstrate acceptance of the service user and seek to hold the service user in a safe place of empathy. This may also enhance communication and increase 'self-esteem' (Dickson, 2015), as acceptance is seen to be not the exception but the norm.

Herein lies the necessity for sensitivity within our engagements and conversations as we move towards inclusiveness of the service user while 'learning to interpret social relationships' (Payne, 2005). Unlocking the door to full inclusion, if handled with mutual respect, improves interaction as well as demonstrating inclusiveness.

The Marriage Equality referendum brought debate not only in the media but also in families and communities. Taking this debate and discussion into the workplace community should be a natural progression, but requires support and nurturing which organisations such as GLEN can offer.

While the successful referendum represents a significant step forward in the rights of transgender people in Ireland, it will take time to embed

the ideals in the legislation into the day-to-day reality of people who are lesbian, gay, bisexual or transgender. This is clear from recent research on attitudes to and experiences of the LGBT community (Higgins *et al.*, 2016). In launching the LGBT Ireland report, former President Dr Mary McAleese stated: ‘This scholarly report is as essential and revealing as it is horrifying. The ongoing damage is undeniable. That it involves so many young people is tragic. That it is solvable is the good news.’<sup>7</sup>

There is a need to raise awareness and sensitivity about Probation Service clients who sometimes present at interview with a deep-seated concern about being judged. They may feel frightened to declare their ‘whole selves’ to officials whom they view in this context as having all the power. ‘Since we are subject to external causes that restrict our capacity to achieve good through increased living power, we need to have empathy for each other and to work together for our mutual benefit’ (Charleton, 2007).

Diversity Champions<sup>8</sup> is a workplace programme designed specifically by GLEN to help employers benefit from the inclusion of lesbian, gay, bisexual and transgender employees. The programme supports leading employers in communicating their commitment to LGBT diversity and inclusion. In 2015, as part of its ongoing commitment to inclusivity and dignity in the workplace, the Probation Service joined An Garda Síochána and the Irish Prison Service in the Diversity Champions programme.

### **LGBT diversity agenda**

The LGBT diversity agenda is about inclusion and a primal need for acceptance, regardless of the situation or the era. Professional integrity includes, for example, the need for awareness that some foreign national service users may be feeling pulled between the reality of their diverse identity while in Ireland and their displayed homeland identity.

This challenge can lead to pressure to adopt a dual identity. The need for clients to ‘belong’ to the past identity can be a result of their ‘attachment’ (Bowlby, 1969; Ainsworth and Bowlby, 1991) to their family ethos, which may shun any LGBT identity. They may be comfortable being a part of the Irish LGBT community, being their ‘whole selves’ in Ireland, but may not be ‘out’ elsewhere.

<sup>7</sup> <http://www.thejournal.ie/survey-lgbt-2673338-Mar2016/>

<sup>8</sup> [www.diversitychampions.ie](http://www.diversitychampions.ie)

Probation Officers, therefore, need to be aware that ‘identity formation is complex and multifaceted and some individuals will not “progress” to the final stage if they encounter environmental conditions that are detrimental to identity development’ (Johnson, 2015). Some Irish people identifying as LGBT in other, more accepting places may struggle with an ‘enforced’ dual identity on their return to Ireland. This can cause distress as one moves between cultures, checking periodically to ensure that nothing demonstrates the *otherness* of the hidden identity.

According to Ryan and Pritchard (2004), ‘respect for diversity ensures that people’s unique identities are affirmed by others, while democratic participation enables community members to have a say in decisions affecting their lives’. Inclusivity gives all those of diverse identities an equal opportunity to have a balanced lifestyle built on a foundation of positive mental health.

## Conclusion

Given the changing face of our society and recent developments in particular, the Probation Service’s engagement with GLEN provides a strong base on which to build greater awareness. Training programmes are part of this process, but action must go beyond cultural diversity training in the Service. What is required is ‘a training programme that would challenge participants to reflect on their values and attitudes but would also translate into action at levels of practice and behaviour’ (Ferneer and Burke, 2009).

Using four pillars – information, education, assimilation and implementation – could be an effective approach to the seamless professional inclusion of LGBTQIA<sup>9</sup> issues in Probation practice. Each pillar is an important stage in progress towards an inclusive perspective. The pillars and the process must challenge us to keep up the professional standard and embrace an ‘acceptance without exception’ ethos ([www.stonewall.co.uk](http://www.stonewall.co.uk)).

- *Information:* There is a wealth of evidence-based research and practice information. The current Probation Service strategy identifies the important role of evidence-informed practice underpinned by the core values of openness, respect, professionalism and commitment (Probation Service, 2015).

<sup>9</sup> Lesbian, gay, bisexual, transgender, queer, intersex and asexual.

- *Education:* E-learning-based training on ‘Equality and Diversity in the Public Service’ was undertaken by staff in the Department of Justice and Equality and the Probation Service in June 2016. There is scope and competence to develop more experiential and tailored training programmes using in-service trainers and external experts.
- *Assimilation:* People need to become comfortable with the information and the language, participating in the training and using evidence-based resources. This supports reflection on idea that ‘the self, a multi-dimensional entity, contains the self-concept, self-image, ideal self and self-esteem, to name a few concepts’ (London, 2002). Internal policies and procedures should be reviewed and revised as appropriate to lead, support and maintain momentum in the process of assimilation.
- *Implementation:* The full implementation of policy, with ongoing information and training about LGBT issues, is vital as Probation Officers become agents for change. ‘It is important to underscore that fostering such changes is likely to require developing policy and practice in tandem with LGBT organisations to proactively address this area’ (Carr *et al.*, 2016).

Seeking the solution to existing challenges for Probation Officers in relation to LGBT diversity should begin by engaging with the available resources and services. Learning the language is crucial, as language matters. ‘It is incredibly difficult for young people to have peers or family members collaborate in homophobia that is still part of the slang, a default code for bullying or a general intolerant social atmosphere’ (Mullally, 2016).

The evidence-based resources from GLEN and other agencies can enable us to be informed, to distinguish between fiction and facts, to see the person within who may be struggling and needs understanding and assurance about their intrinsic right to bring their ‘whole selves’ into their interactions. The four pillars as described provide a useful structure for effectively engaging with resources and expertise to develop that knowledge and understanding.

Probation Service support for staff in implementing more inclusive policy, education and practice with our LGBTQIA service users will facilitate comfort in communication. It is important to avoid moving backwards and seeking comfort in ‘the professional cloak’ (Share and Lalor, 2009). Challenging ourselves to continuously embrace change will make life more professionally open, respectful and inclusive.

## Glossary

The inappropriate use of particular terminology is not always a consequence of prejudice but can be due to lack of knowledge, and personal discomfort about seeking clarification. The following summary<sup>10</sup> is provided to inform the understanding that underpins acceptance.

- *Bisexual* or *bi* refers to a person who has an emotional and/or sexual orientation towards more than one gender.
- *Cisgender* or *Cis* refers to a person whose gender identity is the same as the sex they are assigned at birth. Non-trans is also used by some people.
- *Gay* refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality – some women define themselves as gay rather than lesbian.
- *Intersex* is a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people can identify as male, female or non-binary.
- *Lesbian* refers to a woman who has an emotional, romantic and/or sexual orientation towards women.
- *LGBT* is the initialism for lesbian, gay, bi and trans.
- *Questioning* is a process of exploring one's own sexual orientation and/or gender identity.
- *Transgender* or *trans* is an umbrella term to describe people whose gender is not the same as, or does not fit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms including (but not limited to) transgender, crossdresser, non-binary, genderqueer (GQ).

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