# Guidance on how to ask clients about their gender identity

The following information is intended to support inclusiveness by encouraging staff to ask new clients about gender identity as part of their everyday intake practice. It provides guidance for staff on how to ask new clients about their gender identity in a respectful and professional way.

## Why do we ask this question?

It can be distressing and alienating for people when forms and systems don't reflect who they are. By asking new clients about their gender identity, rather than making assumptions, we make sure the information we're recording about them accurately reflects who they are and how they identify. This is important for our clients to feel included, safe and supported when using our services.

## How to ask about gender identity

When asking clients about their gender identity we can give them the options to make it clearer why we are asking and what they can say.

For example, we can say:

* ‘What is your gender identity? Our form has the options male, female, self-described, trans and gender diverse or prefer not to say’, or
* ‘Would you prefer me to record your gender identity as male, female, self-described, trans and gender diverse or would you prefer not to say?’

## Things to avoid

### Making assumptions about gender

* It is best to ask the question in an open way to avoid making assumptions about the client’s gender identity.
* For example, we shouldn’t ask clients ‘is your gender male?’ because this has the potential to cause distress, particularly to a trans or gender diverse client, if we’re making the wrong assumption.

### Commenting on someone’s gender

* It is best not to make any comments about a client’s gender identity once it is disclosed.
* For example, it would be best not to express surprise if a client with what you consider to be a female name says their gender is male.

### Asking unnecessary questions

* It is best not to ask any unnecessary questions about a person’s gender identity.
* For example, if the client says they are a ‘non-binary woman’ you can simply write that in the free text space next to the self-described option and move onto the next question. The only additional question you might ask is ‘what pronouns should I use when assisting you?’

## How to handle questions

Most clients will simply answer the question. If the client questions why we are asking this, we can explain the following:

* ‘We have made sure that our forms have options that are inclusive of all gender identities. We don’t want to make assumptions about people’s gender identity because this can cause people distress. It is important to us that everyone feels safe and included when accessing our services’.
* ‘We are bound by privacy and legal ethical obligations and we will not disclose your gender identity to anyone without your permission’.
* ‘Knowing your gender identity will ensure that we use the right pronouns when we are helping you’.
* ‘There are trans and gender diverse people in our community who need access to legal aid, and we have multiple gender options on our forms to make sure we’re treating all our clients with the respect they deserve.’
* ‘It’s important that our forms respect how people identify and live their lives. We ask these questions so that people can tell us their gender using the terms that make them feel most comfortable, and so everyone we assist feels seen and included.’
* ‘Collecting information about your gender helps our organisation keep track of who we are assisting, and the kinds of legal problems people experience. Telling us your gender won’t affect the quality or type of legal advice you receive.’

Of course, if the client doesn’t want to disclose their gender identity you can choose the option ‘prefer not to say’ and move on.

If clients want to know the reason behind all the options, we can explain that to them:

* Pride in Diversity, an employer support program for LGBTI inclusion, advised us to add these options to our forms.
* Most transgender people will identify as male or female, and the option ‘trans and gender diverse’ is primarily for people who are gender diverse and don’t identify with the gender binary.
* The option of ‘self-described’ ensures that everyone is able to have their gender identity accurately reflected.
* ‘Prefer not to say’ provides an option to people who do not want to disclose their gender identity.