



Women and Equalities Committee

House of Commons London SW1A 0AA
Tel 020 7219 6123 Email womeqcom@parliament.uk Website www.parliament.uk

From the Committee

Correspondence via email

21st January 2021

Dear Judge Paula Gray,

RE: Inquiry into the Reform of the Gender Recognition Act (GRA)

Thank you for your written submission to our inquiry into the Reform of the Gender Recognition Act.

We are disappointed to hear that you or a member of your team are unable to provide oral evidence to this inquiry, especially considering the integral role played by the Gender Recognition Panel. We had hoped this would be an opportunity for us to learn more about how the Panel works, as well as an opportunity for you to hear some of the concerns raised to us in written evidence with regards to the Panel. However, we do understand the difficulty you face as a sitting judge in offering your views.

It is clear from the vast amount of written evidence we have received (over 2000 submissions), one of the main concerns about the current process of the gender recognition system is the lack of transparency about how the Gender Recognition Panel functions. We would therefore like to take this opportunity to seek clarity on some of the points you raise in your written evidence.

Appointments to the Panel

We understand that appointments to the Gender Recognition Panel are made by the Lord Chancellor, with the concurrence of the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland. However, we hope you might be able to answer some of the questions we have in relation to these appointments:

- The Gender Recognition Act requires only a “relevant legal qualification” and does not specify judicial appointment. Do you consider that other legal professionals might be suitable for appointment, and if so, which ones?
- Whilst it is not specified in the legislation, in practice, is it a requirement for Panel members from both the legal and medical professions to have any knowledge or understanding of transitioning or the process of legally transitioning, prior to their appointment?

Decision-making powers of the Panel

- Your letter specifically mentions training. Does any written guidance exist to assist panel members in making decisions on applications?
- As you point out, schedule 1, paragraph 6 (4) of the GRA states that “A Panel must determine applications without a hearing unless the Panel considers that a hearing is necessary”. In your written evidence you highlight that since commencement, the Panel has “held only two oral hearings”. While we appreciate that whether such a hearing is necessary



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in any given case is a matter for judicial discretion, what factors would the Panel take into account in deciding whether an oral hearing is necessary?

- How do you feel you can make an informed decision about applications if you do not meet the candidates personally?
- Some of the written evidence we have received argues that the Panel goes beyond the powers given to it in the GRA, as it requires applicants to use the Panel's own list of "approved medics and rejects reports from those who are not on their current list".¹ It appears from your evidence that this is not the case. Is it common for the Panel to reject reports, and if so, on what grounds?
- Can you elaborate on how many practitioners are on your list and what criteria the Panel uses to assess the suitability of those practitioners once the CV and letter from a colleague are submitted?

The operation of the Panel

- How often does the Panel meet to review applications and how is this timetable decided?
- How many Panel members will review applications processed via the 'Standard Route'?
- How frequently would the whole Panel meet, and what matters would require a meeting of the whole Panel?
- How has the COVID-19 pandemic impacted the Panel's ability to review applications, other than moving the review process to a digital platform?
- You mention that the Panel are keen to continue reviewing applications via a digital platform in future. Will the Government's decision to move the process online affect the way in which this works?

Outreach

- In your written evidence, you mention the Panel's User Group. How do you choose those who are part of this User Group and what is the purpose of the Group?
- As highlighted above, transparency of the Panel is a major concern that has been raised to us in written evidence. Written evidence also highlights it is one of the main reasons some trans people are discouraged to apply for a GRC. What, if anything, is the Panel doing to make itself less opaque?

Evidential requirements

- What evidence does the Panel require in order for an applicant to prove they have lived in their 'acquired gender'?

The cost of the application

- Are you able to clarify what the application fee is used for and whether it reflects the true administrative costs of an application? Are there circumstances in which applicants can get a refund?

¹ Written evidence submitted to the Women and Equalities Committee



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If at any point your decision to give oral evidence changes, we would be happy to accommodate a meeting. We would be grateful if you could respond to the questions raised above by Friday the 12th of February.

Yours sincerely,

The House of Commons Women and Equalities Committee