

Written evidence submitted by Q Space (GRA1093)

The below replies are from Q Space Northants. We are an LGBTQ organisation that has been operating in Northamptonshire since 2016. We support LGBTQ people directly with events and support groups, and indirectly by providing awareness training and advice to professional bodies and businesses across the county.

Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?

The proposed changes to the GRA do very little to make the process "kinder and more straight forward". The proposed changes do not remove the medicalised and personally invasive system as it currently stands. The proposed changes also do not include the simplification of the process - moving online does not make the process kinder as you are still required to collate sensitive information proving your identity for it to be submitted to a board of people who do not know the person applying.

Should a fee for obtaining a Gender Recognition Certificate be removed or retained? Are there other financial burdens on applicants that could be removed or retained?

The fee should be removed. The fee presents a barrier which would prevent those in less fortunate financial circumstances from accessing a gender recognition certificate. There are other costs to the transition process, both monetary and time, a fee would unnecessarily add to that.

With 25% of trans people experiencing homelessness in their life

(https://www.stonewall.org.uk/system/files/lgbt_in_britain_-_trans_report_final.pdf), many trans people will struggle putting together the amount of money required for the certificate.

Should the requirement for a diagnosis of gender dysphoria be removed?

The current requirements of needing two reports, including one from a specialist in gender dysphoria, ignore the needs of transgender and non-binary people who experience little or no gender dysphoria. Additionally, the benchmarks for what dysphoria looks like is unique for each

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person. What one specialist or doctor may deem as 'enough dysphoria' may not be the same for another. This ambiguity leads to difficulties for those wishing to make these changes.

Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?

Lived experience or "Real life experience" is not representative of trans lives as it does not take into account for social transition. Nor does it take into consideration trans people who do not wish to change their name and/or seek medical intervention. This two year period is based upon when a trans person changes legal documentation, which is inaccessible to people who are not in a social or financial position to do so.

What is your view of the statutory declaration and should any changes have been made to it?

A statutory declaration could be used as the main evidence for a person applying for a GRC. This would simplify and demedicalise the system, while still giving the process a legal standing. If a declaration is required as part of an application then who is able to witness a statement needs to be expanded so as not to impose additional and unnecessary financial burden.

Does the spousal consent provision in the Act need reforming? If so, how? If it needs reforming or removal, is anything else needed to protect any rights of the spouse or civil partner?

A spouse or civil partner should not have the right to prevent a person from ascertaining a Gender Recognition Certificate. It's removal should follow the example of Scotland's changes to the Gender Recognition Act.

Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

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Under UK law, many legal rights apply to those who are 16 or older and do not require parental consent. If a person is old enough to work, and give consent to medical treatment they should have the power to have their gender recognised.

What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?

The proposed changes are a small step in the right direction. Converting these services online and lowering the prices will improve accessibility for those in low-income situations. However, it is not specified how much these costs will be lowered by. Any charge is a barrier for those who are part of an already economically disadvantaged community. In the National LGBT Survey, 63% of trans respondents have a paid job compared to 83% cis respondents. (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721704/LGBT-survey-research-report.pdf)

The trans community has been let down by the limited changes to the existing policy.

What else should the Government have included in its proposals, if anything?

Gender is a spectrum. There should be options for people that do not fit the binary box to have their gender legally recognised.

Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?

The Scottish proposal is a larger step ahead than the England and Wales proposal. This will have an impact on the people that apply for a GRC as it answers some of the issues that arose from the survey. The proposal does simplify and make the process kinder however, they could go further to add recognition for nonbinary people.

Wider issues concerning transgender equality and current legislation:

Why is the number of people applying for GRCs so low compared to the number of people identifying as transgender?

A Gender Recognition Certificate is an important and validating document in a transgender persons transition. The many barriers in place to acquire this document can cause transgender people to not attempt the applying for the certificate. Money and resharing a potentially triggering personal journey are barriers. It is also difficult for transgender people to fit into the restrictive requirements needed for this process such as certain documents that can only be acquired through medical transition. Many binary and non-binary people choose to not go through medical transition, but may want a Gender Recognition Certificate.

Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact? For example, in terms of the different language and terminology used across both pieces of legislation.

The current acts when applied and understood correctly, do provide the protection that people rightfully deserve.

Are the provisions in the Equality Act for the provision of single-sex and separate-sex spaces and facilities in some circumstances clear and useable for service providers and service users? If not, is reform or further guidance needed?

Trans and cis people can access spaces. Though there are many changes to be made, such as changes to the often confusing language used in the Act. The smallest change could cause more harm than good for the LGBTQ+ community. A clearer Equality Act would be suggested to settle confusion about single-sex and separate-sex spaces and facilities.

Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed

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Due to the current political and social climate, it would be unhelpful for the Equality Act to be opened up for reforms. However, as previously mentioned, making the Equality Act easier to understand will allow better protection for trans people.

What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?

Q Space has worked with trans people who have been accessing other services. Gender care has been treated as secondary to their mental health care and, as a result, they have been unable to gain access to gender services whilst receiving care for their mental health. We have worked with social services when trans youth have not been listened to or supported. These services view parents not accepting a young person's gender, thus causing a young person severe emotional distress, as acceptable parenting. This makes it harder for young people to feel safe within these support services and therefore deters young people from accessing them.

Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

There needs to be more discussion about how to better include non-binary people in systems of gender recognition that are commonly in place. This includes the acknowledgement of non-binary, gender-fluid and agender people in legal reforms.

There is currently nothing in your proposed changes to suggest that those who do not wish to have medical transitions will be able to access a Gender Recognition Certificate.

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