

Written evidence submitted by The Pankhurst Trust (incorporating Manchester Women's Aid) (GRA1316)

27th November 2020

Women & Equalities Committee Inquiry on GRA November 2020

Pankhurst Trust (Incorporating Manchester Women's Aid) (PTMWA) Response

About us : PTMWA is a specialist provider of Domestic Abuse (DA) services based in Manchester and the charity that manages the historic home where the suffragette movement began. Our services are primarily for Women and Girls. We are committed to challenging all forms of gendered discrimination and social exclusion through the provision of integrated proactive services. Our mission is to promote the equality of women and the benefit of women suffering or at risk of domestic abuse. Our vision is of a society where every woman has a right to be safe and to be heard, and is able to take action to drive the change she wants to see.

We have delivered domestic abuse services in Manchester for over 40 years, hold two nationally recognised quality accreditations from Women's Aid and Safe Lives and are a trusted provider with a strong track record in working with survivors to achieve their desired outcome to live without fear.

Between April 2019 and March 2020 we supported over 1500 adults and their families to live lives free from abuse. During this period 96% of our clients were women. 49% of our clients were White (British/Irish/Eastern European/Other), and 22% of clients were Asian or Asian British (Bangladeshi/Chinese/Indian/ Pakistan/Other). 49% of clients were aged between 21 and 35 and 11% were aged over 50. At any one time we have up to 30 families with c50 children living in our single sex refuges and up to 4 families/singles living in our inclusive dispersed refuges.

We have responded to those questions we can respond to, based on our experiences of providing a single sex service. We have not had time or the resources that would be required to consult with our service users or our full staff body in making this response. This response has been coordinated through the Chair of the Board and our Trustees with the involvement of the CEO and other senior staff and stands alone as such. We encourage continued dialogue and further consultation on any changes should they be proposed alongside impact assessments and robust research.

Section 1 the Government's response to the GRA consultation

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

As an organisation that is committed to understanding the different needs of different communities experiencing gender and race related inequality we have an acute and specific understanding of the scale and volume of need for DA specialist Violence Against Women and Girls (VAWG) services. We know that the specialist domestic abuse services we provide, that have been designed to respond to the specific needs of natal females, cannot be easily replaced by generic, gender neutral service provision.

Whilst we welcome extra provisions for other vulnerable groups that don't involve dismantling existing rights, we would have liked to have seen a stronger acknowledgement of the importance of sustaining and enhancing specialist single sex provision. As a provider, we do already support men who have experienced DVA and have a strong evidence base for an approach which recognises difference in the experience, needs and responses to DVA between sexes. We would welcome additional provision to be available to meet the needs of transgender people. All people seeking support for DVA deserve effective individual responses suited to their needs.

We would have liked to have seen a specific commitment requiring commissioners and funders of services to carry out a full equality impact assessment on any proposed changes to specialist VAWG, and in particular specified single sex service provision, prior to making changes to that provision.

As an organisation that has spent over 40 years listening and responding to the needs of Women and Girl (W&G) survivors we understand the importance of engaging with clients, in a meaningful way, to ensure that nothing about them happens without them. We would therefore have liked to see an explicit commitment to including, engaging and involving W&G about any and all proposed changes to the services they use, and in particular to the inclusion of natal males in single sex and safe spaces.

We feel that the lack of targeted consultation to date with the largest group potentially adversely affected, that is Women and Girls who have experienced domestic abuse, rape and sexual assault, to be a serious oversight particularly given the significant numbers whose lives are taken either through domestic homicide and suicide as a result of male violence.

We believe the views of vulnerable women and our service users have not been taken into account, we have not had time to consult with our service users or full staff body. As organisations working with women and girls experiencing violence and domestic abuse we need more time to consult with service users on the proposed changes, these are complex issues. We believe that independent resourced and specific consultation is required with users of single sex services and that this should form a key part of a wider impact assessment.

We would also have liked to have seen a clear statement from the government requiring local authorities, funders and providers to investigate and to putting in place safeguarding for W&G survivors of VAWG prior to making a decision to implement gender neutral provision.

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

We have the following concerns about the Scottish Government's proposed Bill.

We are concerned that the changes proposed allowing self-declaration of sex, whilst beneficial in terms of length, experience and expense for the individual seeking to change their sex, would not afford the individual any more rights than currently exist in law, indeed TG people are doubly protected through both Equalities and Hate Crime legislation in a way that natal females are not.

The changes may however undermine the existing rights of natal females. The replacement of an objective diagnoses with self-id or self-recognition could be open to not only misunderstanding but also misuse by perpetrators of violence and abuse

We believe allowing individuals to change their legal sex by means of self-declaration could lead to an erosion of a women's right to access and receive a service delivered by women for women. We have concerns that vulnerable W&G traumatised by abuse by natal males may stop accessing services if these are delivered by and used by an individual who in all other respects except self-identity or self-recognition, presents as a natal male.

Providing a medical history, or report, of any treatments for gender dysphoria is a useful way to assess the suitability of an applicant for a legal transition and provide a clear record of the process. This helps to protect the rights of all women and girls, not just those accessing single sex services, by ensuring only males who belong to the clearly defined group the GRA was designed for are motivated to undergo the relevant process. Removing checks and balances like this would weaken existing rights and protections currently used by those accessing our services. It opens up the floor to opportunistic, predatory and/or dangerous individuals to apply without any professional scrutiny.

This is not said to impugn the honest intentions and needs of people seeking to live in a different gender to their natal one. It is a recognition of the fact that a law which does not consider the disastrous consequences of opening a loophole to malicious people is making a mistake when it comes to the perpetrators of violence against women. Even if this risk is miniscule, it is a risk too high for women and girls, and completely preventable.

Section 2 Wider issues concerning transgender equality and current legislation.

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.

We feel the current provisions are inadequate, particularly if the proposed changes to allow for self-ID are introduced. We would like more time, research and consultation to better understand the risk of confusion on the status of sex as a protected characteristic and how this could be exacerbated by changes to the GRA, and to better understand the way the proposed amendments to the GRA might make it more difficult to apply the exemptions in the Equalities Act 2010.

It is vital that women's organisations and services have the legal tools to differentiate between people born male and people born female. To enforce their rights under the Equality Act Organisations offering single-sex services to women need an objective way of being able to exclude all natal born males, including those biological males with paperwork to say they are female: if not, women's legal rights will be affected. It is therefore essential that we investigate and privacy exemptions for single sex services offered by ourselves and other organisations providing these services are required to manage risk. For example exemptions that would allow single sex organisations to ask individuals seeking access to single sex services if they have transitioned, and for it to be made explicit that it is lawful for single sex domestic violence and abuse (DVA) provision to exclude transgender/transsexual individuals if it judges that clients who attend/access their services, for example Refuge, group work or counselling, would be unlikely to do so if a male to female transgender/transsexual person was also there.

The requirement of our organisation, and wider women's organisations, to report upon outcomes and analyse statistical data also requires that there is the ability to distinguish between natal born

males and females, in order to properly assess service need, outcomes and opportunities. There is a risk of confusion on the status of sex as a protected characteristic and that conflation with gender already blurs and undermines the rights of females as a sex, who in addition to this, experience systemic socially constructed gendered sexism. Changes to the GRA may well exacerbate this confusion. We believe that further research, impact assessments and consultation is essential to both to assess whether this change would cause disproportionate harm to other protected individuals/groups and to consider what, if any, mitigation would be required to prevent this.

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?

We have concerns that the GRA would impact on other areas of law and public services and that this should be properly assessed. We would then need to understand fully the impacts on the provision and protection of single sex services and access to these to ensure that the rights of currently protected groups and individuals are not undermined by the proposed changes.

We would want to see an independent review of how the exceptions in the Equality Act relating to occupational requirements are currently being applied in practice.

In some cases we use lawful exceptions to restrict job roles, volunteering opportunities and services to women. We are concerned that we will be unable to continue to do this if self-id becomes law. We are already seeing a significant rise in enquiry and challenge when advertising roles using the exemption.

The protections for single sex DVA provision should at the very least be strengthened to match those afforded to, for example, group counselling sessions for female victims of sexual assault. It should be made explicit that it is lawful for single sex DVA provision to exclude transgender/transsexual individuals if it judges that clients who attend/access their services, for example Refuge, group work or counselling, would be unlikely to do so if a male to female transgender/transsexual person was also there.

In addition any implication that the provision of single sex violence against women & girls services should be dependent on any real or implied demand for men only services has to be removed from the Act.

(This references the example given in the notes published with the Equality Act 2010 that included the following examples of lawful exceptions:

- a cervical cancer screening service to be provided to women only, as only women need the service;
- a domestic violence support unit to be set up by a local authority for women only but there is no men-only unit because of insufficient demand;
- separate male and female wards to be provided in a hospital;
- separate male and female changing rooms to be provided in a department store;
- a massage service to be provided to women only by a female massage therapist with her own business operating in her clients' homes because she would feel uncomfortable massaging men in that environment.)

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

We are concerned that there is a risk the statutory declaration will be misused and lead to vulnerable women being put at risk of harm. For example by applicants with a proclivity for and/or convictions of sexual and violent offences who could use this as a gateway to access women-only safe spaces and perpetrate crimes.

Our experience in the sector, provides substantial evidence of the extreme methods some perpetrators are willing to use to access women's spaces in order to continue to perpetrate their abusive behaviour, posing a very real risk to vulnerable women. We have had staff followed to identify refuge locations, tracker devices placed on phones, we often have to move families overnight across the refuge network to protect them once found. This is not to imply that this behaviour is connected in any way with trans people, but to underline that we believe there is a pressing need for further impact assessment to understand these risks across all sectors, both to assess whether this change would cause disproportionate harm to other protected individuals/groups and to consider what if any mitigation would be required to prevent the risk.

We believe there has not been enough research and consultation to fully understand the adequacy of the existing provisions or any potential implications and impacts of proposed changes. We believe it is essential that there is an explicit commitment to including, engaging and involving W&G about any and all proposed changes to the services they use, and in particular to the inclusion of natal males in single sex and safe spaces.

We feel that if the Gender Recognition Act is amended to make it easier for males to gain birth certificates saying they were born female, all service providers will find it much more difficult to apply the special rules, when needed, to allow them to exclude all people born male. This is most concerning when it comes to services such as domestic violence refuges, domestic abuse group-work, services for BME survivors and rape crisis centres for women who have suffered male violence. Some women will simply be too traumatised to access a service if a male-born person might be there. For many women who have experienced abuse, such as survivors of rape, domestic violence and childhood abuse survivors, a male free space is essential for healing. These vulnerable women in our services must not be forgotten.

Women and girls are uniquely vulnerable when undressed or asleep. It is currently lawful for us to exclude male-born people from sleeping accommodation for women. In addition, women accessing some accommodation spaces, such as women's refuges, hospitals, prisons etc, are additionally vulnerable due to their experiences and physical and mental health needs. It is essential that consultation specifically on women's views about the application of such exceptions and their use is carried out before any changes are applied.

We believe the views of vulnerable women and our service users have not been taken into account, as noted above we have not had time to consult with our service users or full staff body. As organisations working with women and girls experiencing violence and domestic abuse we need more time to consult with service users on the proposed changes, these are complex issues. We believe that independent resourced and specific consultation is required with users of single sex services and that this should form a key part of a wider impact assessment.

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