

Reform of the Gender Recognition Act - Call for evidence

The Government's response to the GRA consultation:

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

Is there a way to help people align all legal paperwork in their name so that it all identifies the person in the gender they identify with? This would be kind and would make this very intimate and significant life experience far easier to navigate for people seeking to change their gender legally.

- 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?

This should be free? What is a nominal amount? This does not appear to be straightforward. If there are additional fees incurred for other necessary paperwork changes it would be kinder to consider them all together rather than individually. We would ask whether one fee cover them all. One area to consider might be whether, in terms of triggering responses from a system, transitioning should be treated the same as changing your name on legal paperwork (taking care to protect anonymity and not out someone)?

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

Yes, the requirement for a diagnosis of gender dysphoria should be removed

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

Yes. This requirement can have dire consequences for some people and does not make complete sense when you consider that not all people who apply for a gender recognition certificate have lived the same life or have the same hopes and dreams for the future. This part of the process must be reconsidered with the intention of including an individual's particular circumstances in the final decision. So much depends on getting this right.

- What is your view of the statutory declaration and should any changes have been made to it?
- 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?
- Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?

In terms of an age reduction - the criteria should be adapted to encompass a range of factors; it should be about the individual rather than their age. Numerous people could be involved and the establishment of an ethical decision making body populated by different experts from

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various professional bodies could be consulted. This should include people with lived experience of applying for a gender recognition certificate

- What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?
- What else should the Government have included in its proposals, if anything?

Some legal support for trans and non-binary people to use the toilets of their choosing without fear of reprisals. This subject causes so much pain and upset to so many people, not just trans people, given the fact that at some point or another it will impact on absolutely everybody it seems important to single it out for further attention via this call for evidence

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

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?
- 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.
- 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?

It would be helpful if the guidance for the NHS made it easier for wards to make decisions around whether to have single sex or mixed wards. At the moment the guidance steers you towards single sex wards but we think that the guidance should propose a mixture of wards as the optimal arrangement. The impact of these decisions has ripples across local communities and societies at large so it is important that there is space in any guidance for Trust's to acknowledge local differences and preferences.

- Does the Equality Act adequately protect trans people? If not, what reforms, if any, are needed
- What issues do trans people have in accessing support services, including health and social care services, domestic violence and sexual violence services?
- Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

Organisations need to be supported to have a stronger stance in terms of discriminatory behaviour towards trans and non-binary people. The interaction between these things and other protected characteristics often is often challenging to manage and the more positive experience

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seems to fall on the side of the person/persons representing the other protected characteristics (i.e. religious beliefs, women's rights, LGB inclusion) which can mean that an already ostracised group of people have nowhere safe to turn. Because trans people tend to always be in such a minority they are always having to shout louder to be heard and have to take bigger risks at a very personal level. Also, because there are so few trans people in any one place/workplace at any one time their experiences and the experience they might be describing will not be relatable for many people, it is therefore likely that they find it harder to be understood or to find acceptance and understanding. Protection under the law will only take us so far, education is essential too. The unknown (ignorance) leads to so much harm - can we find a way to educate people through this review work too?

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