

Summary

- The Government's proposed changes make no significant progress towards making the process "kinder and more straight forward".
- Fees should be abolished or, if absolutely necessary, kept to the minimum required to protect the process.
- Trans people are burdened with many other costs during transition some of which are unnecessarily imposed by the Government.

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

On both counts the Government's proposed changes are the smallest possible step in the right direction.

By making the Gender Recognition procedure available online, the Government is introducing new options for accessing Gender Recognition, and taken on its own that is clearly an improvement. Some people will find it more straightforward to apply online and that goes some small way to meeting the government's objectives.

However, making the Gender Recognition procedure available online is a change that the Government should have made many years ago as a matter of course. The fact that this has not already happened speaks to the ongoing marginalization of trans people. The majority of Government services have been accessible online for ten or twenty years, and the principle of making Government services available online is widely accepted. I am a cisgender person who runs their own business, and in the last twenty years almost every interaction I have ever had with Government services has been online, including applying for a passport, submitting tax returns, applying to vote, and so on. That the Gender Recognition procedure was not already available online marks it out as an exception to the general rule. It should not have been necessary to carry out a multi-year consultation, during which time trans people were dragged through the mud in the media, just to make such a minor, widely accepted, and obviously beneficial change.

It is my understanding that the old offline procedure will continue to be available. However if the online procedure replaces the offline procedure entirely then I am concerned that Gender Recognition may become inaccessible to some people who would otherwise benefit.

The proposed reduction of the fee from £140 to a "nominal amount" is a small improvement in terms of making the process kinder, as is any effort to reduce waiting lists. However it is nowhere near adequate.

It is my understanding that, other than the reduction in fees and the process becoming available online, the Gender Recognition procedure will be otherwise unchanged in terms of the bureaucratic procedure and the overall experience of the applicant. The proposed changes do nothing to address

the many cruelties of the procedure itself, and of the prerequisites to access it, all of which I will address later in this document.

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?

Any fee, no matter how small, will be an insurmountable barrier for some people. The government has promised to reduce the fee to a “nominal amount” but this phrasing leaves substantial room for interpretation. It is likely that whatever amount the Government considers nominal may nevertheless cause hardship for some people who might otherwise benefit from a Gender Recognition Certificate.

Trans people are marginalized in our society and part of that marginalization is that trans people often experience disadvantage in the employment marketplace and consequent financial disadvantage. It is unfair that already disadvantaged people should have to pay a fee to gain access to basic legal rights that they need and that others take for granted.

To maximise access to Gender Recognition Certificates, the fee should be abolished if at all possible. If there is a good reason to maintain a fee - perhaps for example to discourage abuse of the process, although I want to emphasise that I know of no evidence that the process is likely to be abused - then the fee should be the absolute minimum required to achieve that goal and no more, and it should be regularly reviewed to ensure that it continues to be priced appropriately. The Government should always balance any need for fees against the consideration that anyone unable to afford those fees is effectively being denied basic legal rights. Every possible effort should be made to ensure that nobody is excluded by fees.

To give a concrete example, I personally would consider £20 to be a “nominal amount”, and for the sake of example the Government might decide that £20 should be the fee. However I am acquainted with trans people who live on disability and unemployment benefits who would struggle to pay £20. For them to pay £20 for a GRC would at best mean difficult decisions about having no entertainment at all for several months, or going hungry.

There are many, many other financial burdens on applicants. In practice applicants are required to pay for new passports and driving licenses. These are essential to most applicants not just because they will usually have changed their name, but also to provide evidence of living in their acquired gender. The government could put in place provisions to waive or reduce these fees in case of gender transition. The requirement to provide evidence of living in an acquired gender could also be abolished, in which case the need to acquire new documents would become less urgent.

In practice many applicants pay a fee for a change of name by deed poll. This is not strictly necessary, and name changes can be done for free, but in practice many trans people fear that home-made legal documents will not be taken seriously by institutions such as banks. Ideally the

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government would ease this burden by providing simple cost-free legal documents for change of name on gov.uk, and perhaps by issuing guidance and/or legislation to ensure that these documents will be universally accepted.

Under the present system applicants incur travel costs travelling to and from Gender Identity Clinics and other medical or other appointments that are required as part of or as a prerequisite for the Gender Recognition procedure. This travel is sometimes completely unnecessary from a practical perspective, for example I know of one case where a trans person was obliged to drive to a GIC just to fill in a form. Since there are not many Gender Identity Clinics in the country, trans people often have to travel a substantial distance, which adds to the cost. The Government could reduce all these costs by moving as much of the process as possible online and reducing or consolidating appointments in person.

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