

Written evidence submitted by Richard Powell [GRA1827]

I am a retired public servant. No personal issues are at stake for me. But I am concerned that policy-making may be distorted by unrepresentative pressure groups - "policy capture". Regardless of the issues currently at stake, this would tend to damage the reputation of Parliament and the integrity of the legal system.

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?

1. The Government generally charges for the services it provides to individuals (other than NHS treatment) with a view to covering the cost of providing them. There is no obvious reason why a GRC should be an exception. Help is already available to those on a low income. I note that the current fee of £140 is less than the cost of a television licence.

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

2. No. Someone wishing to register a change in sex clearly has psychological issues that need addressing; it is an emotional journey as well as a bureaucratic procedure, and a professional medical assessment is necessary at some point. Also there needs to be a way to exclude sex change for whimsical or frivolous reasons, or perhaps to conceal a previous identity.

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

3. No. 18 is young enough. Even at that age an individual is not fully mature, either mentally or physically. There has been discussion recently about raising the minimum age of marriage to 18. It would be perverse to move the minimum age for sex change in the opposite direction, so that young people who may not view an adult film, buy fireworks or enter a betting shop could legally transition from one sex to another. It is worth noting that there is currently a Judicial Review under way on whether under-18s are mentally competent to consent to gender reassignment.

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.

4. I am uneasy about blurring between "sex" and "gender". The UK government defines gender as "a social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth". It seems very unwise to allow subjective feelings of gender to override the objective binary category of sex. It is not a sound basis for public policy. The EHRC recognises the risks of confusion and has announced its intention to clarify its position on its website, though it has been in no hurry to do so.

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?

5. There is clearly a high degree of confusion in this area. Provision for trans users should not be at the expense of women or girls, which it is sometimes perceived to be, and perhaps actually is.

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

6. As there is no consensus on what these terms actually mean, that could prove problematic. Parliament has better things to be getting on with.

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