

Written evidence submitted by Cecily Pearson [GRA1948]

I am a cisgender woman working in education. I consider myself to be a trans ally.

Are the provision 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?

I have used all-gender toilets and facilities and have experienced no difficulties or feelings of being unsafe in these spaces. I consider trans women to be women and therefore welcome in 'women's spaces'; indeed, I would not feel comfortable in a 'woman's space' which excluded my trans friends or other trans women or non-binary people, as I would view the providers of such a space as prejudiced and discriminatory.

Does the spousal consent provision in the Act need reforming?

The spousal consent provision needs to be reformed to ensure that no spouse has the power to prevent their partner starting a social or medical transition. The rights of trans people to present and live as their preferred gender, including undergoing any necessary medical procedures or treatments, must not be subject to the consent of a third party. Given that most parts of the UK have now achieved marriage equality, the gender of a spouse should make no difference to the legal status of their partner and therefore it is not relevant whether a spouse identifies as male, female or any other gender.

Should the age limit at which people can apply for a GRC be lowered?

The age at which young people gain the right to make many decisions, including regarding education, is 16. It would therefore be appropriate and in line with the principles of person-centred planning and prioritising the voice of the young person as found in the Children and Families Act 2014 to lower the age at which people can apply for a GRC to 16. However, this must not be used as an excuse to deny rights and medical procedures to trans children, nor to prevent them from accessing facilities suitable for their preferred gender. Using the GRC to 'gatekeep' these facilities will lead to injustice as trans children will be denied the rights to use facilities suitable for their gender owing to their inability to gain a certificate only available to older people. This is particularly important in relation to the use of hormone blockers to prevent children going through a puberty unsuitable for their gender which will have damaging and lasting effects on their bodies which will then require painful and expensive procedures to reverse, such as hair or breast removal.

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

A good start would be for the Department of Education to recognise that children do not necessarily identify as male or female and to ensure that data collection from schools and local authorities allows for the recording of non-binary identities.

November 2020