

WEC Consultation: The Role of the GEO

1. Keep Prisons Single Sex was established in 2020 to campaign for the rights of women in prison to be housed in single-sex prisons, as is their legal right under the Equality Act (2010). This submission is written by Director, Dr Kate Coleman FRSA.
2. We begin by stating our concern that the description of GEO responsibilities provided on the WEC website refers to 'gender'. The protected characteristic in the Equality Act is sex, not gender. Gender reassignment is a separate protected characteristic.
3. In respect of the scope and operation of the Equality Act, and in particular the separate-sex and single-sex exceptions at Schedule 3, paragraphs 26, 27 & 28 and at Schedule 23, paragraph 3, clarity and consistency of language is important. At Section 212 the Equality Act defines 'woman' in terms of sex as 'a female of any age', with a similar sex-based definition given for 'man'. Thus single-sex spaces are defined in terms of sex, not gender nor gender identity.
4. There is ample evidence of confusion concerning the scope and operation of the single-sex exception, which is reflected at a policy level across both public and private sectors. Confusion between the terms 'gender' and 'sex' no doubt contributes to this.
5. In our submission to the WEC Consultation on Reform of the Gender Recognition Act (2020) Reference GRA0826 we presented evidence demonstrating that the Ministry of Justice & HM Prison and Probation Service policy on housing transgender prisoners (including both those who have and who have not obtained legal recognition of acquired gender via the mechanisms provided in the Gender Recognition Act) does not reflect the single-sex exceptions provided for in the Equality Act. We shall not reproduce these here.
6. We consider that the GEO has a vital role in providing clear guidelines concerning the operation of the Equality Act, in particular the single-sex exceptions. The use of clear, consistent and unambiguous language where sex and gender are kept separate is required. We note and welcome the recent statements by the Rt Hon Elizabeth Truss towards the end of 2020 reaffirming the government's commitment to the provision of single-sex spaces for women and girls.
7. (In)equality is multifactorial and is not restricted to the protected characteristics. The importance of the Equality Act should not be disputed. However, whilst it is important that the protected characteristics do not get overlooked, achieving equality is not only achieved through

Written evidence submitted by Keep Prisons Single Sex [GEO0004]

the Equality Act.

8. We note that both socio-economic and geographic factors contribute significantly towards inequality of both opportunity and outcome across a variety of different indices. We note the influence of pressure groups that has resulted in a form of 'oppression Olympics' rooted in identity-politics and an aggressively uncompromising neoliberalism. This narrative is divorced from the material reality of the lives of many, which we ignore at our peril.
9. In this respect, we support the statement issued by the Rt Hon Elizabeth Truss on 16th December 2020 and the expressed commitment to adopting an evidence-based approach to tackling the causes and effects of inequality.
10. We support the approach whereby the role of Minister for Women and Equalities is a dual-departmental role: equality is always positioned within a real life context and we believe that a dual-departmental role grounds the role within that context.

January 2021