

Written evidence submitted by Stonewall to the Transgender Equality Inquiry

Background

1. Stonewall welcomes this opportunity to submit evidence to the Women and Equalities Select Committee on trans equality. We also warmly welcome the Committee's focus on this important issue in their first inquiry.
2. Stonewall is a national lesbian, gay, bisexual and trans (LGBT) charity, established in 1989 to campaign for equality for Britain's 3.7 million lesbian, gay and bisexual people. During this time Stonewall has helped to secure key legislative change and has worked closely with local government, health services and hundreds of schools and public and private sector employers to ensure lived equality for lesbian, gay and bisexual people.
3. In late 2014, Stonewall undertook an extensive consultation process with more than 700 trans people, before extending our organisational remit to include trans equality in February of this year. This submission is informed by the views and experiences of the hundreds of trans people that we consulted with over this period, as well as national research and best practice.
4. Stonewall looks forward to working with the Committee and the government to address the issues raised in this inquiry.

Introduction

5. Trans people are amongst the most disadvantaged and marginalised groups in society. They experience a wide range of inequalities, both in law and in the day-to-day harassment, discrimination and exclusion many trans people face in our schools, workplaces, public services and the media.
6. Stonewall is conscious that all of the issues the Committee proposes to explore are crucial to achieving trans equality in the UK. In our response, we have first emphasised areas where we believe the role of government in creating change is greatest. These include key reforms to legislation surrounding gender recognition, and to the provision of healthcare for trans people. In order to for the UK to be the best in the world on trans equality, the government must urgently address these key areas.
7. Alongside legislative and healthcare reform, there is a clear and urgent need for guidance and training for all those providing services to, and working alongside, trans people. This includes our police forces, teachers, employers and the media. We have highlighted areas where we believe the government has a role to play in encouraging and facilitating best practice.
8. Finally, Stonewall is aware that historically trans people have not always been involved in decisions that fundamentally affect their rights, lives and wellbeing. As a result, legislation and services have often failed to understand and meet their needs. That is why Stonewall so warmly

welcomes this inquiry and strongly encourages the Committee to place the voices and involvement of trans people at the heart of its own recommendations.

Terminology and definitions

9. 'Trans' is an umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms under this umbrella.
10. Through Stonewall's work with public bodies, employers and schools, we know that there is a widespread lack of awareness, confidence and understanding around different trans identities and related terms. There remains a common misconception that all trans people take, or wish to take, medical steps to change their recognised gender. There is also limited awareness of non-binary identities, those who do not identify as 'male' or 'female' but might consider themselves to be neither male nor female, both male and female, or to be sometimes male and sometimes female.
11. As a result, trans people can feel alienated when individuals and institutions use language that they would not use to describe themselves, or that is transphobic.
12. Using sensitive and appropriate language includes respecting trans people's use of male or female pronouns and the use of non-gendered pronouns, for example the use of 'they' rather than 'he' or 'she'. The deliberate use of incorrect names or pronouns, also known as misgendering, can cause significant distress.
13. We believe that there is opportunity for the government to promote clearer understanding by ensuring that the terminology and definitions used in existing guidance and legislation is consistent and includes a broad range of trans identities.
14. Stonewall believes that the terms 'trans' and 'gender identity' are the most widely recognised and inclusive terms. We encourage the government to remain aware, and to adapt, to changing terminology. This must involve consultation with trans people in the development of guidance and legislation and on an ongoing basis.

The operation of the Gender Recognition Act 2004 and whether it requires amending

15. Stonewall believes that there are significant issues with the current operation of the Gender Recognition Act 2004. Existing requirements to provide medical evidence in order to obtain legal

gender recognition, are deeply demeaning and psychologically burdensome for applicants. The process not only requires people to undergo extensive, and often distressing, psychiatric scrutiny, but is resource-intensive for gender identity services which already lack capacity to meet the needs of trans patients.

16. Stonewall is also concerned that gender recognition panels sometimes ask inappropriate or distressing questions of applicants. Trans people who do not fit into a 'traditional' narrative about being trans have had their identities questioned and evidence discredited by gender recognition panels. This includes trans people who have had children, who do not wish to access surgical treatment or who do not dress or behave according to traditional expectations of 'male' or 'female'.
17. Stonewall firmly believes that the government should commit to removing the requirement to provide medical evidence in order to obtain a legal change of gender. This would bring the UK in line with global leaders and best practice on trans equality. The World Professional Association for Transgender Health's statement on gender recognition, and recent legislation in Ireland and Malta, provide useful benchmarks for this process.
18. We also encourage the government to implement a mechanism that allows people under the age of 18 to obtain legal gender recognition, taking into account the interests and views of the person affected, and not determined by age.

The effectiveness of the Equality Act 2010

19. Stonewall is aware that 'gender reassignment' as defined in the Equality Act can be understood to cover a broad range of trans identities. However, because the current definition places an emphasis on a process of transition, it is unclear whether all trans people are protected.
20. The schools and employers that Stonewall works with understand the term 'gender reassignment' in different ways. Many are unaware that trans people who do not take medical steps to transition are protected. They are also uncertain about whether people who do not describe their identity in terms of a transition, are protected. Stonewall is particularly concerned that the definition does not explicitly provide protection for non-binary people. -
21. Stonewall is deeply concerned that exemptions within the Act actively remove protections for trans people. Schedule 3, Part 7, permits service providers to deny 'transsexual' people access to separate or single-sex spaces. Exemptions in Schedule 9 in the area of occupational requirements allows employers to have a requirement for employees 'not to be a transsexual person', including in the Armed Forces. In addition, Part 14 permits differential treatment in 'gender-affected sport'.
22. Stonewall also believes that these exemptions sit in contention with the Gender Recognition Act as they imply that being a 'transsexual person' supersedes a person's legal gender.

23. Stonewall believes that amending the protected characteristic ‘gender reassignment’ to ‘gender identity’, and ensuring that this is defined to cover a broad range of trans identities, would send a clear signal to trans employees and service users, public bodies and employers, that all trans people are protected by The Act.

The aspect of the Marriage (Same Sex Couples) Act 2013 which is referred to as the spousal veto

24. Stonewall’s consultation with trans people found a broad range of views on the spousal veto. There is particular concern that this aspect impedes trans people’s autonomy and legal access to gender recognition. Stonewall notes that the Scottish Government has successfully implemented legislation which does not include a spousal veto and encourages the Committee to explore the impact that this has had. We would urge the Committee to seek the views of those individuals directly affected and to make recommendations accordingly.

Diagnosis of gender dysphoria and gender identity clinics and Access to gender reassignment treatment under the NHS

25. Gender identity clinics in the UK are scarce and severely overstretched. People face long waiting times and often have to travel long distances, at considerable expense, to access services. These issues are exacerbated in Wales, where the absence of a clinic requires people to travel to London. Waiting times for specific gender reassignment treatments frequently exceed the statutory 18 week limit. 58 per cent of trans people say that waiting times have negatively affected their mental health (Trans Mental Health Study, 2012).
26. Trans people often face barriers to treatment and poor experiences once they have accessed gender identity services, with 62 per cent reporting one or more negative interactions (Trans Mental Health Study, 2012). Many trans people feel pressurised to tell psychiatrists a particular narrative about feeling ‘trapped in the wrong body’ as well as an apprehension around discussing any uncertainties about their gender or to disclose mental health issues, for fear that access to treatment will be denied or stopped. Inappropriate questioning and overt transphobia from clinicians working in gender identity services have also been reported.
27. These experiences can cause considerable distress, deterioration in mental health and, crucially, prevent trans people from having open discussions about treatment options.
28. Stonewall is also concerned at the critical lack of awareness of trans issues in primary care services, which are the first point of call for people accessing gender identity services. Trans people routinely report being given misinformation and experiencing insensitive treatment from GPs.
29. We believe that there is a pressing need to review the current distribution of gender identity services across the UK and to address gaps in provision. Additionally, healthcare bodies in England, Scotland and Wales should develop clear strategies to attract and recruit more clinicians

to become gender identity specialists across all relevant disciplines, including endocrinologists, psychotherapists, surgeons and speech and language therapists.

30. These strategies should be developed in conjunction with the relevant Royal Colleges and the British Psychological Society and should be underpinned by specific training and, we suggest, an accreditation process for all gender identity specialists. This would incentivise clinicians and ensure that they fully understand the health needs of trans service users.
31. Stonewall also believes that the clinical process for diagnosing gender dysphoria should be reviewed, in consultation with trans people, and in light of the World Professional Association for Transgender Health's standards of care. We support an approach where trans people are fully informed and involved in all decisions related to their healthcare and treatment options.

Trans people and wider NHS services

32. In 2014, Stonewall commissioned YouGov polling of 3,001 health and social care staff on their experiences of LGBT healthcare in *Unhealthy Attitudes*. The research found an endemic lack of awareness and training on trans issues. A quarter of staff surveyed would not feel confident supporting trans patients. Discriminatory attitudes towards trans patients, and colleagues, were also widespread.
33. Trans people experience disproportionate levels of poor mental health. 48 per cent of trans people in Britain have attempted suicide and 55 per cent have been diagnosed with depression at some point (Trans Mental Health Study, 2012). However, mental health professionals often fail to understand trans issues. 36 per cent of trans people accessing mental health services say that their gender identity was seen to be the cause of poor mental health or have been told that their mental health issues were because they were trans (Trans Mental Health Study, 2012).
34. Stonewall believes that all staff working in health and social care services, including non-clinical staff, should receive mandatory equality and diversity training that covers the needs of trans patients. Targeted training should be provided across specific disciplines, such as mental health.
35. All bodies involved in the training of health and social care staff should review both their training and curricula to include trans issues. This includes medical and nursing schools, Royal Colleges, the General Medical Council and Nursing and Midwifery Councils, and should also be reflected in Health Education England's education and training strategy.

NHS services for trans youth

36. There are only three providers of gender identity services for young trans people in the UK. The Tavistock and Portman is the only specialist clinic, providing early intervention treatment for children and young people. Lack of resource means that waiting times for hormone treatments are lengthy and leaves many young trans people feeling entirely unsupported. This can cause

undiagnosed mental health issues and, in some cases, young people have resorted to accessing hormones illegally.

37. Stonewall believes that there is an urgent need to review and increase the provision of gender identity services for young people. We also believe that schools, GPs and Child and Adolescent Mental Health Services, the first points of call for trans and gender variant young people, need specific support and resource in order to understand and meet their needs.

The relationship between the Government Equalities Office and other government departments in dealing with transgender equality issues

38. Stonewall welcomed the 2010 cross-government action plan on trans equality. We believe that cross-government working is vital, particularly given that data and expertise on trans issues is limited and that key issues cut across different remits, particularly health, education and justice.
39. Stonewall would welcome an update on the progress the government has made against the 2010 action plan. We also believe it is crucial to audit current levels of expertise on gender identity policy across relevant departments and take steps to address any gaps. In addition, establishing a transparent mechanism for cross-government working, with a specific ‘trans equality’ remit, would provide a way to focus expertise and to consult with trans communities. This would clearly signal the government’s commitment to delivering trans equality.

How the UK’s performance compares internationally

40. The UK is a beacon for equality worldwide and frequently leads the global agenda on LGBT issues. However, gaps in equality for trans people mean that the UK is falling behind international leaders. In particular, the Gender Recognition Act 2004 places the UK behind others, with both Ireland and Malta having recently introduced legislation that allows individuals to legally change their gender without the provision of medical evidence. Research also suggests that healthcare provision for trans people in the UK is failing to meet the standards set by the World Professional Association for Transgender Health.

The availability and reliability of data relating to the trans community

41. There is a distinct lack of robust data on trans people and their experiences.¹ This in part due to population size, but there are also clear barriers to data collection. Trans people may feel anxious about data confidentiality. Additionally, the diversity of trans identities and the terms used to describe trans people by those carrying out research can mean that some trans people are not included, or choose not to include themselves, in studies.
42. We believe that the government should support public bodies and employers to sensitively monitor gender identity and to collect data on the needs and experiences of trans employees and

¹ The EU LGBT Survey (2012) with almost 7000 trans people across Europe, the Trans Mental Health Study (2012) and Youth Chances research (2014) looking at the experiences of almost 1000 trans young people, are major data sources.

service users. It is crucial for service providers to engage directly with trans service users on how this can be done sensitively and appropriately.

43. We also believe that research into the confidence and attitudes of those working with trans service users would support public bodies to identify key issues and knowledge gaps, and help ensure that trans people are afforded equal access to services.

Employment and workplace issues

44. Trans people face high levels of bullying and discrimination in the workplace. One in four report that they have been discriminated against at work (EU LGBT Survey, 2012) with many leaving their job as a result. Fear of discrimination, including in recruitment processes, can also be a significant barrier to accessing employment. Trans people who have transitioned may be anxious about disclosing their gender identity, through employee references for instance, and being ‘outed’ at work.
45. Stonewall works with over 750 employers to embed best practice on LGBT issues in the workplace. We know that many are already taking steps to address trans equality. However, many still lack awareness and knowledge of trans issues. This includes how to support employees transitioning and related issues such as time off for medical appointments, name changes and preferred pronouns, data confidentiality, dress codes and toilet or changing facilities. There are also specific issues, such as ensuring that gender reassignment treatment is covered by those employers that offer private health insurance as an employee benefit.
46. Many employers do not address trans equality unless an individual employee is transitioning, meaning that wider issues such as transphobic language, bullying and fair recruitment remain unaddressed. This not only has negative consequences for openly trans people, but affects employees who are not openly trans as well as trans customers and service users.
47. Stonewall encourages the government to provide updated guidance for employers on supporting employees who are transitioning and on how employers can embed trans equality as part of their wider equality and diversity responsibilities, including under The Equality Act. This should build on existing best practice and include recruitment, anti-bullying and harassment policies and equality and diversity training for employees.

Transphobia (including in the media) and hate crime

48. Transphobic hate crime is prevalent. The EU LGBT Survey (2012) found that more than two in five trans people in the UK had been attacked or threatened with violence at home within the last 5 years and 62 per cent of trans people had been discriminated against or harassed in the previous year alone. Underreporting of transphobic hate crime is also well-established (The Hate Crime Report, 2014). This is often based on misconceptions that it is not serious enough to report and a lack of confidence in police or reporting procedures.

49. Stonewall believes that the police should engage directly with trans communities to encourage reporting and to provide different reporting mechanisms so that people feel comfortable to report 'less serious' incidents.
50. We believe that a commitment to extending the existing aggravated offences to cover transphobic hate crimes would signal that transphobic hate crime is taken as seriously as other crimes. Stonewall also supports a review of the operation of existing enhanced sentencing procedures to determine if they are being used effectively to tackle hate crimes based on gender identity.
51. 78% of trans people say that portrayals of trans people in the media are inaccurate or highly inaccurate TransMediaWatch (2009). 51% felt that representations had a negative impact on their wellbeing (Trans Mental Health Study, 2012). This perpetuates harmful stereotypes and exacerbates the prejudice that trans people face on a daily basis.
52. Stonewall urges the Committee to hear directly from organisations that focus specifically on trans issues in the media, such as TransMediaWatch and AllAboutTrans. We also believe that media regulators should work with trans organisations to develop guidelines and to promote a positive, realistic and diverse representation of trans people.

Issues concerning trans youth in the education system

53. Trans and gender variant young people experience high levels of bullying. 83 per cent experience verbal abuse and 35 per cent experience physical assault (Youth Chances, 2014). Bullying has a deleterious impact on trans young people's mental health and wellbeing and their attainment and achievement at school, with a direct impact on further education and future employment prospects.
54. Through our work with more than 12,000 schools, we know that many school staff lack the confidence to recognise and tackle transphobic bullying and support trans pupils. Primary schools sometimes fail to see a need to address gender identity issues, despite the fact that many trans people know they are trans below the age of 11 (Youth Chances, 2014). Age-appropriate work around tackling gender stereotypes and norms ensures that all young people feel supported and included from an early age.
55. Stonewall welcomes the government's clear commitment to tackling transphobic bullying in schools. We believe that including trans issues in initial teacher training and continued professional development is vital. We also believe that Ofsted should continue to play a key role in assessing a school's efforts to prevent and tackle transphobic bullying.
56. Stonewall encourages the government to provide guidance for primary and secondary schools on supporting gender variant pupils and pupils who are transitioning. This should draw on existing best practice, signpost to external sources of support and include practical advice on issues such as name changes, uniform policies, access to sport, school trips and toilet and changing facilities.

57. Finally, Stonewall believes that including age-appropriate information on trans issues as part of statutory Personal Social Health and Economic Education, Sex and Relationships Education, and in the wider curriculum would prevent and tackle transphobic attitudes at their root, while ensuring that trans pupils feel prepared for adult life and are able to reach their full potential.

Criminal justice system

58. Trans people can be at particularly high risk of violence, exploitation and sexual harassment within prison systems, as shown by several high-profile international studies. Stonewall is aware that, in 2011, the National Offender Management Service introduced policies on supporting and protecting trans prisoners in England and Wales.

59. We believe that further evidence is required to determine how these policies have been working in practice, and to determine any issues facing trans people in the criminal justice system. Recent guidelines developed by the Scottish Prison Service, in conjunction with Stonewall Scotland and the Scottish Transgender Alliance provide a useful point of reference.

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