



Government
Equalities Office

Gender Recognition Act

Analysis of consultation responses

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Reform of the Gender Recognition Act: Analysis of Consultation Responses

Presented to Parliament
by the Minister for Women and Equalities
by Command of Her Majesty

September 2020



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Executive Summary

Executive Summary

- 1. The Gender Recognition Act 2004 (GRA) sets out a process that allows individuals over the age of 18 to receive legal recognition of their acquired gender.** Successful applicants are issued with a Gender Recognition Certificate (GRC). The process involves the submission of various forms of prescribed evidence to a Gender Recognition Panel, which determines whether the applicant has met the criteria for recognition set out in the Act. The Government announced a review of the GRA following the Women and Equalities Select Committee's (WESC) recommendations on transgender equality in 2016. A public consultation about reform of the Gender Recognition Act ran from 3 July to 22 October 2018. In addition to the consultation, the Government Equalities Office met with around 140 organisations to hear their views. This included trans and LGBT organisations, as well as a broad range of organisations working for the rights, wellbeing and safety of women and girls.
- 2. The Government Equalities Office (GEO) received a total of 102,818 valid responses to the consultation. Responses were submitted through an online form, by direct email or by post.** 36% of the responses were submitted through official government channels, 39% through an online form hosted by Stonewall, 7% through an online form hosted by Level Up, and 18% through a template provided by Fair Play for Women. Other campaigns were also observed among those responses submitted through official government channels. In launching the consultation, the GEO noted that it was open to all perspectives. For this reason, each respondent who submitted a response via one of these campaigns has been counted individually in this analysis. A breakdown of responses by submission channel, as well as by UK country and response type (individual or organisational), is provided for each consultation question in Annex B to the report.
- 3. The authors have treated all responses from individuals equally, regardless of how they were submitted.** It was assumed that all respondents were sincere in the viewpoints that they expressed, including those responses which were informed by or submitted through external campaigns. The consultation evoked a broad range of emotions, views and perceptions among respondents. The authors have sought to be respectful of the full spectrum of views and emotions expressed within the consultation.
- 4. The largest three campaigns noted above used different approaches when co-ordinating responses to the consultation, resulting in large differences in response rates to each question (as visible in Annex B).** Stonewall used an online questionnaire with accompanying guidance, which prioritised some questions by making them visible as standard, with others only visible through an expandable menu. Level Up also provided an online questionnaire, but with only a limited number of consultation questions, which had also been re-worded. Fair Play for Women offered respondents a template with prefilled answers to a limited number of questions. Where campaigns appear to have significantly influenced the overall distribution of responses to a question, this is noted in the report.

5. **This Executive Summary provides an overview of the quantitative results to the multiple-choice questions, as well as key themes that emerged from the qualitative results to the free-text questions.** Unless stated otherwise, percentages relate to the total number of valid responses per question.

Experiences of trans people

6. **1.1% of all consultation respondents answered they had previously applied, or were currently applying, for a GRC.** Of these, 60.5% had been successful in obtaining a GRC, 11.7% had been unsuccessful, and 27.9% were awaiting a decision. Trans respondents overwhelmingly reported that the current GRA process was too bureaucratic, time consuming and expensive, highlighting in particular that the process made them feel dehumanised and stressed. Another major topic raised was the long waiting lists for obtaining medical evidence. Smaller numbers of trans respondents thought that a GRC would be of no benefit to them or stated they were happy with the current process. Some trans respondents noted that they hadn't applied for a GRC because they were not yet old enough.
7. **When asked about what having a GRC would mean to them, many trans people talked about the social and legal validation they would gain through an updated birth certificate.** Other common themes included being able to get married in their correct legal gender, and getting more security against being outed without their consent. A small number of respondents mentioned being able to get a death certificate issued in a person's correct gender. There was also a small number of respondents for whom a GRC had no or only a marginal meaning. These people saw very little function for a GRC in their lives. The lack of recognition of those identifying as non-binary was frequently raised in response to these questions, with non-binary respondents stating they were unable to apply for a GRC in their correct (i.e. non-binary) gender.

The GRA requirements

8. **Nearly two-thirds of respondents (64.1%) said that there should not be a requirement for a diagnosis of gender dysphoria in the future, with just over a third (35.9%) saying that this requirement should be retained.** A common opinion among those who thought the requirement should be removed was that gender dysphoria, or being trans, was neither a medical nor a mental health issue. Some respondents who agreed with the latter opinion still thought the diagnosis should be retained, with many suggesting that the diagnosis served as a safeguard against frivolous or malicious applications for legal gender recognition.
9. **Around 4 in 5 (80.3%) respondents were in favour of removing the requirement for a medical report, which details all treatment received.** Among those who favoured keeping the requirement, a common opinion was that the medical report provided evidence for the sincerity and commitment of the applicant. Those in favour of removing the requirement commonly stated that the requirement had a dehumanising impact on applicants, and added to the unwanted and stressful bureaucracy. It was frequently pointed out that not all GRC applicants undergo, or

are able to undergo, medical treatment. A small group of respondents suggested that removing the medical requirements would devalue the status and struggle of trans people who had already obtained a GRC under the existing system.

10. **A majority of respondents (78.6%) were in favour of removing the requirement for individuals to provide evidence of having lived in their acquired gender for a period of time.** Of those in favour of retaining the requirement, the majority thought the period of time should be two years or longer. Common reasons given for retaining the requirement, again, included the evidence it provided for the sincerity and commitment of the GRC applicant, and the safeguard it provided to wider society. Arguments against the requirement included the difficulty of obtaining the necessary documentation over a two-year period, especially for younger people who were less likely to have utility bills in their name. Again, feelings that the current process was humiliating and dehumanising emerged in response to this question.
11. **The majority of respondents (83.5%) were in favour of retaining the statutory declaration requirement of the gender recognition system. Of those who were in favour of retaining the declaration, around half (52.8%) did not agree with the current declaration wording that the applicant intends to “live permanently in the acquired gender until death”.** The main reason expressed for keeping the statutory declaration was the opinion that it provides a quick, accessible and affordable process for legal gender recognition, as well as enough gravity to deter abuse of the system. Arguments against a statutory declaration were less common, but some expressed concern about the lack of clarity about the repercussions of breaking the declaration. In terms of the actual declaration wording, a substantial number of respondents thought that the phrasing “until death” was excessive. A number of respondents also noted that the statutory declaration wording did not sufficiently accommodate non-binary people, whose gender identities could be more fluid.
12. **A majority of respondents (84.9%) disagreed with the spousal consent requirement in the GRA.** The main reason for disagreeing with the spousal consent requirement was the opinion that the requirement does not respect the autonomy of the GRC applicant. Those who agreed with the requirement emphasised that a marriage is a contract between two people, and the wishes of one should not be prioritised over those of the other. Some stressed the importance of the option of annulment of a marriage, accommodating religious beliefs that were not favourable to either divorce or same-sex marriage.
13. **58.5% of respondents were in favour of removing the £140 fee from the process of applying for legal gender recognition.** The majority (64.7%) of those who were against removing the fee also stated that the fee should not be reduced, with many suggesting that the fee was not disproportionate in comparison to costs for other legal processes. However, many of those in favour of removing or reducing the fee felt strongly that it (and the many other costs involved in obtaining legal gender recognition) was a barrier for many in applying for a GRC.
14. **Nearly three-quarters (73.4%) of respondents said that they did not think the privacy and disclosure of information provisions in Section 22 of the GRA**

were adequate. There was a strongly-voiced opinion that the provisions were adequate but needed updating, including extending the six-month time limit on data breaches. On the other hand, there were also strong concerns about protecting wider society, with many respondents against any increase of privacy rights for GRC holders.

Impact of applying for a GRC on people with protected characteristics

15. Trans respondents were asked which protected characteristics (under the Equality Act 2010) applied to them, and how these characteristics had affected their views on the GRC application process. The most commonly selected characteristics were sexual orientation, age and marriage. Key themes that emerged included debate about whether the minimum age for legal gender recognition should be lowered, the lack of legal recognition for non-binary people, and the lack of legal rights for people with variations of sex characteristics (intersex people). There was a strongly-voiced opinion that lowering the age for gender recognition would help trans minors, because their identities are forged during youth and they need greater independence to determine their own gender identity. A strongly-voiced opinion by others, however, was that enabling legal gender recognition for minors could lead to some making major life-changing decisions that they might later go on to regret.

Equality Act 2010 exceptions

16. The Equality Act permits restrictions on the participation of trans people in some sporting competitions, if necessary, to uphold fair competition or the safety of competitors. A majority (71.7%) of respondents said that the participation of trans people in sport would be affected by changing the GRA. Those who disagreed there would be an impact tended to say that no impact should be expected, as the Government was not proposing to amend the Equality Act. Many respondents expressed opinions on the current legislation, ranging from support for the exceptions, to viewing the regulations as “transphobic”. There was a strongly-voiced opinion that GRA reform would lead to a negative impact for women in sports who were not trans, while others countered that such claims were based on incorrect assumptions. Respondents also drew attention to the difficult position in sports of non-binary people and people who have a variation of sex characteristics.

17. Three in five respondents (60.2%) thought that single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 would not be affected by changing the Gender Recognition Act. Campaign responses were highly polarised, with all those responding through the Fair Play for Women template saying that the exceptions would be affected, and nearly all of the Stonewall respondents saying that they would not be. Those responding through the official government channels were more evenly split, with 49.4% saying they did not think exceptions would be affected. There were strongly-voiced concerns that the safety of women’s spaces (such as domestic violence support services, healthcare spaces and prisons) would be compromised. On the other hand, there was also a common opinion that, as the Government was not

proposing to amend the Equality Act, no impact should be expected, as the exception applied to trans people regardless of whether they have a GRC or not.

18. **The consultation also asked providers of single or separate sex services whether they felt confident in interpreting the Equality Act 2010 with regard to the single-sex and separate-sex exceptions. Fewer than 1 in 10 respondents (8.5%) provided an answer to this question. Of the organisational responses, 60.0% said that they were confident, and 40.0% said that they were not.** Individual respondents were less likely to indicate feeling confident (43.3%) in interpreting the exceptions than organisational responses, although some individual respondents who stated they were not confident interpreting the exceptions, said that they did not provide a single- or separate-sex service. Among all respondents, reasons for feeling confident included having clear organisational guidance and experience of applying it in practice, with some suggesting that the wording of the Equality Act was clear. Reasons for not feeling confident interpreting the Act included fear of intimidation, a general lack of understanding of the exceptions, and pressure from funders not to use them.
19. **The consultation asked trans persons who had experienced domestic abuse or sexual assault if they were able to access support. A small proportion (3.1%) of consultation respondents answered this question, and of these, only a quarter (24.6%) reported being able to access support.** Respondents noted a lack of support for survivors in general, and particularly support that met the needs of trans and non-binary people. The gendered nature of the services was seen as a problem, which prevented respondents from reaching out to these services for fear of being rejected, not being believed or being blamed for the violence they experienced, as well for their safety in the services. Some respondents reported to have been denied access by services. A large number of respondents were unhappy that this consultation question was addressed to trans people only, and suggested that everyone who had experienced domestic abuse or sexual assault should have had the opportunity to share their experiences.
20. **Just over two thirds (68.4%) thought that the occupational requirement exception in relation to gender reassignment in the Equality Act 2010 would be affected by changes to the GRA.** Responses were strongly influenced in favour of agreement by the Fair Play for Women campaign, with those responding through official government channels more evenly split (47.7% of these respondents thought the exception would be affected). There was a strongly-voiced opinion that people's trans history should be disclosed so that the exception can operate effectively, allowing employers to impose a requirement that a job can only be open to people who are not transgender. On the other hand, again, there was a strongly-voiced opinion that as no changes were proposed to the Equality Act, no impact should be expected.
21. **69.2% of respondents thought that the operation of the communal accommodation exception in relation to gender reassignment in the Equality Act 2010 would be affected by changing the GRA.** A major concern raised was that the legal gender recognition process could potentially be misused for the purpose of obtaining access to women-only and girl-only spaces. A strongly-voiced

counter-opinion was that with no changes to the Equality Act, no impact should be expected, and that trans people had the right to safe spaces too.

22. **Three quarters of respondents (75%) thought that the armed forces exception as it relates to trans people in the Equality Act 2010 would not be affected by changes to the GRA.** Many respondents talked about the mental and physical requirements for serving in the military, as well as “combat readiness”, with debate over whether or not the exception would be affected by changes to the GRA. A strongly-voiced opinion was that trans people should not be denied the opportunity to serve in the military, providing, however, they met physical and mental health requirements. Many respondents suggested that the nature of modern warfare had changed, and that there was no relation between the reform of the GRA and combat effectiveness.
23. **Around half of respondents (47.8%) thought that the marriage exception as it relates to trans people in the Equality Act 2010 would be affected by changing the GRA, and 52.2% stated that it would not.** Again, a commonly-voiced opinion was that the exception would not be affected because the Equality Act was not changing. On the other hand, others raised strong concerns that GRA changes would lead to more hostility against religious freedom, and, as such, would impact the operation of the marriage exception.
24. **Three quarters (76.8%) thought that the insurance exception as it relates to trans people in the Equality Act 2010 would not be affected by changing the GRA, while 23.2% stated that it would be.** Respondents mainly addressed wider considerations with regard to insurance, with very few responses directly addressing the question. For example, it was felt correct that insurance policies and premiums were based on real actuarial risk. A commonly-voiced opinion from trans people was they did not feel that any of their premiums had been affected by their trans status.
25. **Three-quarters (77.1%) thought that changes to the GRA would impact on areas of law and public services other than the Equality Act 2010, while 22.9% said that they would not.** Many respondents raised concerns about the potential impact on single-sex and separate-sex spaces in society. A commonly-expressed counter-opinion was that the GRA, being only one piece in a larger legislative framework, would not have much influence on other areas of law and public services.
26. **A majority (64.7%) thought that changes needed to be made to the GRA to accommodate individuals who identified as non-binary.** Respondents highlighted in their responses the relatively large size of the non-binary population, legitimacy of non-binary identities, and the negative impacts of the lack of legal recognition. Other respondents, however, did not see the need for legal gender recognition, with some suggesting that the conflation of sex and gender was detrimental to women’s rights.
27. **Of the 31% of consultation respondents who provided an answer to the question about whether they had a variation in their sex characteristics (VSC), 2.8% of said that they had.** Points raised by these respondents included

the benefits for people with VSC that would result from removing the medical report requirement, with some suggesting there should be a separate legal recognition process to the one for transgender people. Many respondents also suggested that the legal gender recognition process (and the opportunity to correct a birth certificate) should be available for people with VSC aged under 18.

28. **Respondents to the consultation were also invited to provide further comments. Key themes that emerged included concern that (non-trans) women had not been sufficiently consulted, and that there was a need for an assessment of the impact of GRA reform on additional groups, including women.** The position of minors was also discussed, with a number of respondents criticising the societal mainstreaming of trans identities. However, others criticised the Government for ruling out lowering the minimum age for legal gender recognition beforehand, and not involving minors, especially 16- and 17-year-olds, in the consultation process.

Introduction

1. Introduction

The Gender Recognition Act (GRA) 2004 is the piece of legislation through which trans people in the UK may apply for legal recognition of their gender identity. Legal recognition comes in the form of a Gender Recognition Certificate (GRC) and the issuing of a new birth certificate with a sex marker in line with their acquired gender (male or female).

In 2016, the Women and Equalities Select Committee made the recommendation to the Government to bring forward proposals to update the GRA. This recommendation was part of their inquiry and report on transgender equality, and prompted the Government to announce a review of the GRA. In that same year, a government commissioned review was published by the National Institute of Social and Economic Research on the available evidence on LGBT inequalities in the UK.¹ This report generally highlighted a lack of evidence with regard to trans equality. However, one clear finding of the report was around trans people's mental health, and the negative impact on this of long waiting times to access Gender Identity Clinics.

In 2017, the Government initiated the National LGBT Survey² which was to provide additional evidence to support a consultation on the GRA. The survey, published in 2018, attracted more than 108,000 responses, of which 13% came from respondents who identified as trans or non-binary. It gathered evidence on trans people's experiences in daily life (education, health, the workplace, safety), as well as experiences of transitioning and applying for a GRC. With regard to the legal gender recognition process, the survey results showed that the main reasons respondents had not applied for a GRC were: not satisfying the requirements (44%), finding the process too bureaucratic (38%), and the process being too expensive (34%). Another survey finding was that, of those trans respondents who were aware of GRCs but did not have one only 7% said they were not interested in getting one.

A consultation about reform of the GRA ran from 3 July to 22 October 2018, the primary purpose of which was to gather evidence on how best to modernise and simplify the GRA, and make the process less intrusive and bureaucratic for trans and non-binary people. The consultation questioned neither the right of a person to identify with another gender nor the existence of a provision for a legal gender change.

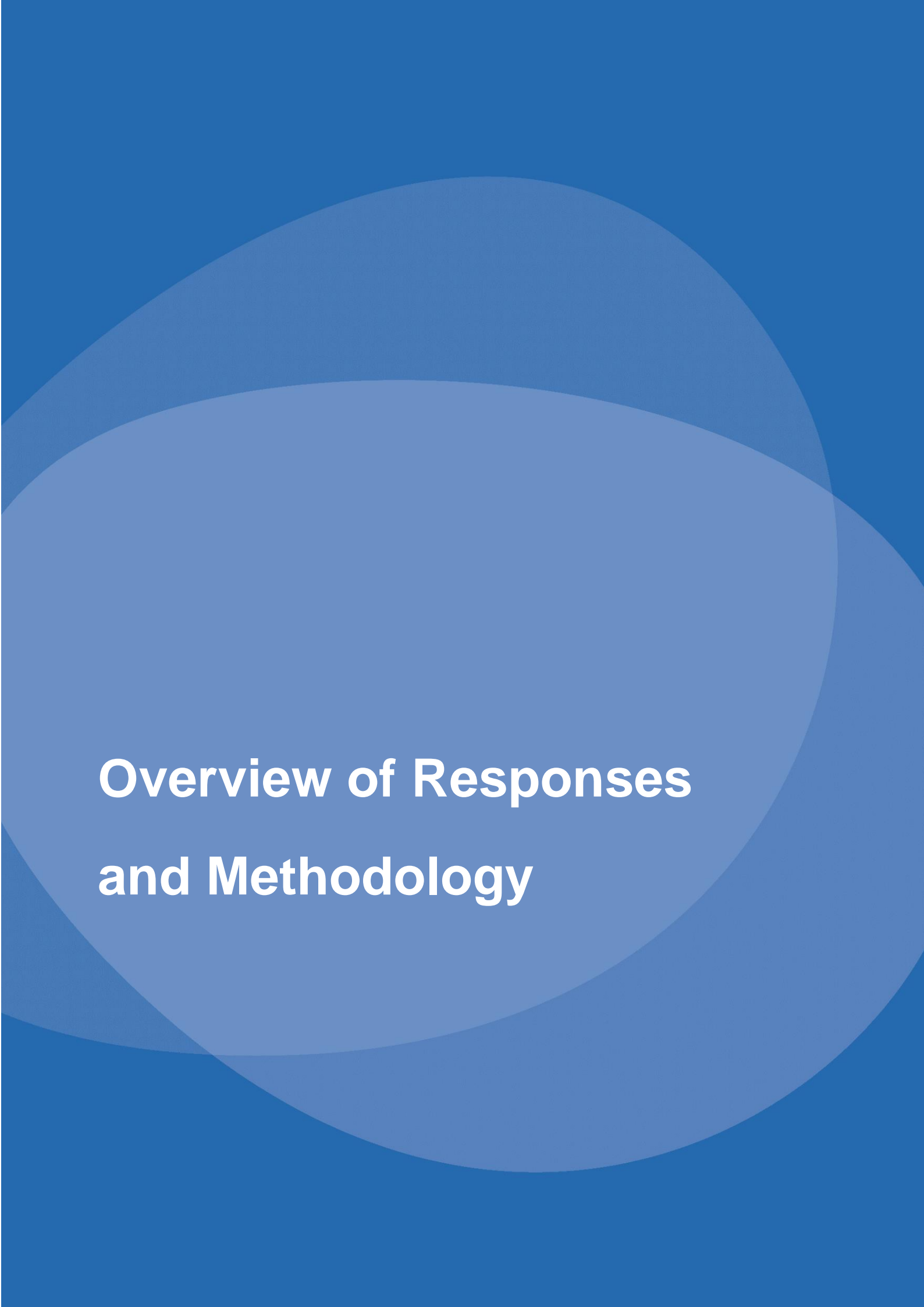
An online consultation form, hosted on the Government's Citizen Space portal, consisted of 27 closed-format questions, and 28 open-format free-text questions. Respondents could also reply by email or post directly to the GEO. The questions explored trans people's experiences of the process of applying for a GRC, and the potential impact of reform of the GRA on trans people and wider society. While the consultation was open to all views and perspectives, respondents were self-selecting,

¹ <https://www.gov.uk/government/publications/inequality-among-lgbt-groups-in-the-uk-a-review-of-evidence>

² <https://www.gov.uk/government/publications/national-lgbt-survey-summary-report>

so responses cannot be interpreted as representative estimates of views held among the wider general public.

In October 2018, Nottingham Trent University (NTU) was commissioned by GEO to undertake the analysis of responses to the consultation. This report provides a summary of the analysis in relation to the questions the Government asked during the consultation. NTU was not involved in the design or the running of the consultation.



Overview of Responses and Methodology

2. Overview of responses received

GEO received a total of 103,833 submissions to the consultation. Of these, 102,087 were submitted using an online form, 1,319 by direct email, and 427 by post. Following the removal of duplicate responses (see Section 3.3), a final dataset consisting of 102,818 responses from unique individuals or organisations was taken forward for analysis by NTU. From this point in the report onward, and in the annex tables to this report, figures which reference numbers of respondents are rounded to the nearest 10, in order to prevent potential disclosure of individual respondents.

2.1 Sources of responses

The Government invited responses to the consultation through a number of routes: through the form hosted on the Government's online Citizen Space portal, by email, or by post directly to GEO. The Government received 37,140 submissions through these routes, which for the purposes of this report are referred to as "official government channels". The vast majority of these (97%) were submitted via Citizen Space, while 2% were sent by email, and 1% by post.

During the course of the consultation, three external organisations — Stonewall, Level Up and Fair Play for Women — set up their own online forms, which could be completed by respondents and automatically submitted by email to GEO. These alternative forms accounted for 64% of submissions, compared to 36% that were submitted through official government channels. There was considerable variation in the format of these forms, which are described in more detail below.

Stonewall

The online form hosted by LGBT (lesbian, gay, bi and trans) charity Stonewall was based on the same format as the Government's Citizen Space questionnaire, but prioritised certain questions (1, 2, 3, 4, 5, 7, 10, 11, 13³, 20, and 21⁴) which were visible as standard, with remaining questions accessible via an expandable box.

Alongside the questions, Stonewall provided their own guidance and suggested responses. While respondents were free to select their own responses and enter text, the accompanying guidance is likely to have influenced the answers of some respondents. Furthermore, those questions that were only accessible via an expandable box had much lower response rates than those that were visible as standard.

The Government received 40,500 responses via the Stonewall form, which accounted for 39% of submissions.

Level Up

The form hosted by feminist organisation Level Up included a small number of items, which aimed to address a limited set of consultation questions: 3, 4, 5(a), 8(a), and 22.

³ With the exception of question 13(d), which was not included in the Stonewall version of the form.

⁴ Question 21 was visible as standard on the Stonewall form for only a short period of time before the closure of the consultation.

As with the Stonewall form, respondents were able to select their own answer and enter their own text, but a key difference was that Level Up edited and simplified the original wording of the consultation questions, which may have had an impact on responses:

- Questions 3 and 4 were replaced with a single question using the following wording: “Do you think that trans people should have to prove to medical professionals that they are trans enough?”
- Question 5(a) was replaced with the following wording: “Do you think the Government should have the right to delay someone’s ability to correct their gender?”
- Question 8(a) was replaced with the following wording: “Do you think that trans people should be able to change their gender without fees?”
- Question 22 was replaced with the following wording: “What would you like to tell lawmakers about why trans people’s right to be recognised legally in their gender is so important?”

Level Up also provided some guidance for those who completed their version of the consultation form.

The Government received 6,810 responses via the Level Up form, which accounted for 7% of submissions.

Fair Play for Women

The form hosted by women’s campaign group Fair Play for Women consisted of a pre-filled template containing the group’s recommended responses to a subset of consultation questions: 3, 4, 5(a), 6(a), 7, 9, 11, 12, 13(a), 14, 15, 19, 20 and 22. Respondents could enter their own personal contact information into the form to be automatically submitted to GEO by email, but could not edit responses using the online form. A small proportion (2%) of these respondents chose instead to download the template and submit it directly to GEO by email or post, with a handful of these choosing to edit the template responses or answer additional questions.

The Government received 18,370 responses via the Fair Play for Women template, which accounted for 18% of submissions.

2.2 Campaigns

As noted in the preceding section, responses that were received through the online forms hosted by Stonewall and Level Up often reflected the guidance and recommended responses that these organisations provided. In the case of the Fair Play for Women responses, all but a handful consisted of a standard pre-filled template. However, it was also evident that the guidance and suggested responses produced by these organisations, and by a number of other organisations and groups, was reflected in many responses that had been submitted through the official government channels.

In order to identify consultation responses that had potentially been influenced by external guidance, text recognition software was used to identify similarities in

responses to each question. In this way, the authors were able to identify 17 separate campaigns directed by external organisations or groups. Campaigns were deemed to have influenced individual responses in three main ways:

- **Campaign-derived responses**, where respondents copied text in whole or in large part from a campaign, with no or limited editing.
- **Campaign-informed responses**, where respondents used sections of text from campaigns, but re-wrote parts in their own words or elaborated on some points in more detail.
- **Campaign-inspired responses**, where respondents took key points from campaigns or referred to the campaigns themselves, but had extensively re-written the response in their own words.

A list of the 17 organisations or groups that co-ordinated the campaigns that were identified is provided in Annex A to this report, along with a summary of the guidance and suggested answers to questions provided by campaigns, where available.

2.3 Identification and removal of duplicates

In order to protect personal data, identification and removal of duplicate responses was undertaken by GEO, before a final anonymised dataset was sent to NTU. GEO identified a total of 1,011 duplicate responses (1% of all submissions), where a respondent had submitted more than one response using the same name and email address or postal address. Multiple responses from the same respondent were either combined into a single response, or removed, using the following principles:

- Where possible, responses were combined into a single response per respondent (e.g. if a respondent had submitted multiple responses making separate points, or elaborating on a previous response).
- Where it was not possible to combine responses (e.g. if a respondent provided a response through multiple sources, with contradictory responses to the same questions), priority was given to responses received through official government channels.
- If multiple responses were received via the same source and could not be combined (e.g. multiple Citizen Space responses from the same respondent), priority was given to the most recent response.

In addition to removing duplicate responses, GEO also removed a very small number of cases which emerged during manual reviewing of responses which were clearly intended as offensive, abusive, or explicitly vulgar, and which did not address the consultation questions. Removing these responses is standard practice in consultations. It resulted in a final dataset consisting of 102,818 submissions from unique respondents. In the course of NTU's analysis, no further evidence was found of any significant attempts to influence the consultation results by a single respondent submitting multiple responses.

2.4 Individual and organisational responses

Respondents were able to indicate whether they were responding as an individual, or on behalf of an organisation. All responses submitted as organisational responses were reviewed by GEO and, if it was clear that these had been marked in error as organisational responses, they were re-coded as individual responses. Respondents who did not specify the capacity (individual or organisational) in which they were responding were coded as individuals.

The final dataset consisted of 650 responses (<1% of all responses) deemed to have been submitted on behalf of an organisation. However, GEO was unable to verify whether 100% of these were submitted in an official capacity.

2.5 Location of respondents

Respondents were asked to provide address details, including postcode, with the latter used by GEO to match respondents to UK countries, providing a high-level breakdown of respondent location. Based on this data, 73% of respondents were based in England, 6% in Scotland, 3% in Wales and 1% in Northern Ireland.

The remaining 17% of respondents could not be categorised by location. This consisted of 13% of respondents who provided no location information at all, and 4% of respondents who provided some address details but no valid UK postcode. Among this latter category were international responses from a range of different countries around the world. As the consultation was open to all views and perspectives, and not necessarily limited to respondents in any particular country, these responses have been included in the analysis, but a breakdown of responses by location is provided in Annex B.

3. Methodology

3.1 Quantitative analysis

All responses received by GEO in email or postal format were reviewed by NTU, and if they referred to any of the 27 closed-format consultation questions, their answers were entered manually into the final dataset and analysed alongside those responses submitted via an online form.

Descriptive analysis of responses to these questions was undertaken using RStudio v1.1. For each question, distributions of responses were calculated as percentages of all consultation respondents, and as percentages of those who actually provided an answer to the question.⁵ Responses were also broken down by the following categories:

- Location (England, Wales, Scotland, Northern Ireland, or Other/Uncategorisable)
- Response type (Individual or Organisation)
- Source (Official government channels, Fair Play for Women, Level Up, or Stonewall)

Full tables of results are presented in Annex B to this report, with a summary of quantitative findings presented at the start of each chapter in the body of the report. As respondents were self-selecting, and findings cannot be generalised to a wider population, it was not deemed appropriate to carry out formal significance testing of differences between groups. However, as a general principle, this report reports on differences between groups only when the difference is ten percentage points or more, and when groups each contain at least 100 respondents. The report also highlights where the overall distributions of responses for a question appear to have been substantially affected by a single campaign.

3.2 Qualitative analysis

The consultation included 28 open-format questions, where respondents could provide free text. Across all these questions, around 860,000 free-text responses were received, equating to over 37 million words. There was significant variety in the level of detail, length and style of the responses. While most responses were relatively short, some responses were particularly detailed, with NTU having read responses to a single question that were as long as 4,000 words. Given the amount of data, an approach combining manual and automated coding was chosen as the most appropriate methodology.

⁵ With the exception of question 10 – “protected characteristics” – for which it is only possible to calculate responses as a percentage of all respondents.

Manual coding

A random sample of free-text responses for each open-format question was selected, before being manually reviewed and coded into themes via an iterative process using NVivo 12 software. Sample sizes varied between questions, depending on the extent of variation in views expressed. Where free-text comments elaborated on a response to a preceding closed question, these were considered together to provide additional context.

As part of the quality assurance process, the initial thematic coding was reviewed by a second coder. The team also included a number of researchers with subject matter expertise in the legal and societal aspects of transgender identities, women's rights, and gender theory, who helped contextualise and deepen interpretation of the descriptive analysis.

In addition to the manual coding, a set of 120 organisational responses were manually reviewed in their entirety, including all those submitted via email and post, and a selection of those submitted via Citizen Space, purposively sampled to represent a range of organisational characteristics such as sector and size.

Automated text analysis

Due to the high number and complexity of responses, automated text analysis was used to replicate manual coding decisions across the entire dataset. This involved four stages: data cleaning, topic modelling, automatic text summarisation, and triangulation.

Stage 1: Data cleaning

The dataset was cleaned to remove responses that could not be effectively modelled using automated text analysis. This included simple responses such as "Yes", "No", "N/A" or longer bodies of text that respondents had copied and pasted for information, including in some cases entire journal articles. Large groups of identical responses, which had been copied and pasted from campaigns were also identified and removed. All responses removed at this stage were set aside for later consideration.

Stage 2: Topic modelling

A technique known as Latent Dirichlet Allocation (LDA) was used to automatically identify topics within the free-text responses to each question. LDA is a generative statistical model, based on natural language processing, which is used to identify similarities between clusters of text.

As LDA modelling uses probability-based methods to allocate clusters of text to particular themes, it is likely there will be some error in allocation. As such, the analysis is not comparable to full manual coding of the entire dataset, and it is not appropriate to interpret the outputs with reference to precise counts or measures of accuracy such as confidence intervals.

Stage 3: Automatic text summarisation

As the themes derived from the LDA modelling contained a large number of responses, automatic text summarisation was used to efficiently summarise these. This was done by applying an extractive automatic summarisation method, which selects a subset of the more representative sentences in the text, based on weighted frequencies of constituent words. The sentences that receive the highest scores in terms of representativeness are then returned to produce a summary.

Stage 4: Triangulation and thematic analysis

In order to accurately capture the broad range and weight of opinions among consultation respondents, outputs from the manual coding and automated text analysis were compared and triangulated, alongside the responses that had been set aside at the data cleaning stage. For each question, key themes were then drawn out for further interpretation.

Qualitative interpretation

Themes emerging from the manual coding and automated text analysis have been reviewed to produce a descriptive summary of responses to each question. While the analysis cannot produce accurate counts of responses allocated to each theme, the authors have endeavoured, as far as possible, to provide an indication of where weight of opinion lies.

The authors have treated all responses equally, regardless of submission mechanism, and have assumed that all respondents are sincere in the belief and individual viewpoints they have expressed, including those responses influenced by external campaigns. The consultation evoked for many who completed it, a broad range of emotions, views and perceptions. This included painful memories for some, and impassioned beliefs for others, from across a wide range of individuals, communities, and organisations. The authors have sought to be respectful of the full spectrum of views expressed within the consultation and the emotions involved.

The authors acknowledge that many of the responses received did not always directly address or relate to the questions set out in the consultation. The purpose of the exercise, as set out in the consultation document, was to gather “views on how best to reform the process of changing one’s legal gender”, without questioning the existence of trans people and their right to legally change their gender.⁶ The qualitative analysis in this report therefore predominantly focused on those themes which address or relate to the consultation questions. Where a significant proportion of respondents raised a point that was not directly relevant to the consultation question, the authors have summarised these as part of a “wider themes” section that accompanies some chapters in this report. It should be noted that there was significant amount of repetition in responses to different questions, with some respondents raising points that were more relevant to other questions in the consultation. In these cases, the authors have endeavoured to keep repetition between chapters in this report to a minimum, by exploring these points

⁶ Government Equalities Office (2018) Reform of the Gender Recognition Act – Government Consultation, p.4. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721725/GRA-Consultation-document.pdf

in full in the most relevant chapter, and briefly referencing (as part of the “wider themes” section) where the same points were also raised in response to other questions.

The structure of the following report is based on the initial consultation document. To provide additional context against which the analysis should be read, GEO have provided an introductory section setting out the current policy background for each question.

Individual quotes have been used, where appropriate, to help illustrate the narrative around particular themes. Many respondents provided specific, sometimes deeply personal examples of real-life scenarios and experiences, or expressions of strongly-held beliefs. While these respondents provided permission for quotes to be published, they have been anonymised by removing any information that could potentially identify them.

Consultation Questions

4. Question 1: Experiences of trans people applying for a Gender Recognition Certificate

The first consultation question asked about trans people’s experiences of the legal gender recognition process. Before determining if, and how, the process should be changed, it was important for the Government to hear from the people that use, have used or have tried to use it in its current form.

In order to change your legal gender, you are required to submit evidence to the Gender Recognition Panel. The Panel looks at the evidence under the requirements set out in the GRA 2004. If the Panel thinks the evidence submitted meets the criteria, the applicant is granted a Gender Recognition Certificate (GRC).

Findings from the Government’s National LGBT Survey⁷ show that many trans people do not have a GRC and that they do not consider the application process straightforward. In that survey, respondents’ awareness of the legal gender recognition process was high, with 81% of trans men and trans women being aware of the process. However, the requirements for legal gender recognition were not always correctly understood.

The answers to the consultation question discussed in this chapter give detailed information about whether trans respondents had applied or were applying for a GRC, their experiences of applying, whether they had been successful in applying for one, or the reasons why they had not applied.

⁷ see <https://www.gov.uk/government/publications/national-lgbt-survey-summary-report>

4.1 Question 1(a) – quantitative analysis

Question 1(a): If you are a trans person, have you previously applied, or are you currently applying, for a Gender Recognition Certificate?

If yes, please tell us about your experience of the process.

If no, please tell us why you have not applied.

	Total	Valid
Yes	1.1%	5.5%
No	18.6%	94.5%
Not answered	80.3%	-
<i>Respondents</i>	<i>102,820</i>	<i>20,220</i>

Question 1 was intended for trans respondents only, and only a minority (19.7%) of respondents answered this question. Of these, the majority (94.5%) indicated that they had not applied for a GRC, while 5.5% indicated that they had applied. However, it was evident from subsequent free-text responses that some respondents who selected “No” were not trans, for instance stating, “I am not a trans person” or “Not a trans person but an ally”. Some responses were from partners, relatives and friends of trans people. The 19.7% of respondents who answered this question should therefore not be used as a reliable estimate of the proportion of consultation respondents who were trans.

There did not appear to be any significant differences between respondents in the different UK countries (see Annex Table B1).

In terms of sources of responses, while those responding through official government channels were more likely to provide a response (32.3%) than those responding via the Stonewall form (20.3%), the distribution of responses did not appear to differ significantly between the two sources (see Annex Table B2). The question was not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

While this question was intended primarily for trans individuals, just over a quarter (27.1%) of organisational responses provided an answer to this question, with 10.2% of these indicating that they had applied for a GRC, compared to 5.5% of individuals. Some of these responses may have been due to misinterpretation of the question, while in other cases organisational respondents may have responded based on their own individual experiences.

4.2 Question 1(a) – qualitative analysis

Of respondents who answered “Yes” to question 1(a), 1,040 made further comments. Of those that responded “No” to this question, 7,090 made further comments. Various topics were addressed, and the most commonly-raised and significant points raised are reported on below.

Bureaucratic, time consuming and expensive

Overall, the majority of those who had applied for a GRC felt that the process was cumbersome and difficult. The most commonly-raised themes were that the process was overly bureaucratic, time consuming and expensive. Significantly, for respondents who had not applied, these themes were reiterated as barriers to the application process.

“I ended up sending a pack of evidence two inches thick.” (Individual online response - Citizen Space)

“I have not applied because: It requires far too much evidence and I feel uncomfortable sending original copies of all my personal legal documents off in the post.” (Individual email response)

Respondents discussed both the amount and type of evidence and paperwork they had been required to submit as part of the application process. Gaining medical evidence, including letters from medical professionals, was particularly problematic for those who had not recently transitioned, as some found that medical professionals they had dealt with in the past no longer worked for the same hospital or had retired.

“I started applying for a GRC but I had to stop as I had difficulties getting the medical evidence.” (Individual online response - Citizen Space)

Other respondents had difficulties providing the right evidence of living in their acquired gender for the two-year period that the GRA requires. This particularly affected younger people who were still living with family members and, therefore, did not have household bills or other sorts of evidence required in their name.

Collecting this evidence was time consuming and this, alongside filling in a lengthy form and needing to carefully read the 80-page guidance for applicants, meant that, for some respondents, the process took months, with a few stating that it had taken them years to complete. As a result of the complicated nature of the process, a number of respondents reported their application being sent back to them either for further information or because they had missed something on the form. This added further delays in the application being processed and the GRC being issued.

“It took an absurd amount of time. 6 months was re-doing a statutory declaration about 5 times because I didn’t check one box or didn’t initial one piece of paper or something.” (Individual online response - Citizen Space)

A number of respondents also raised issues with the cost of the application. It was argued that as trans people are more likely to experience low income or poverty, these costs hit a group of people who can least afford it. Costs for a GRC included, firstly, the

cost of the application itself, and, secondly, the costs they had incurred doing the application, such as for the supporting documentation, photocopying/ printing and postage. Finally, a number of respondents also discussed the costs of acquiring an updated birth certificate after having successfully obtained a GRC. While some respondents were eligible for financial support (a reduction in the fee) for their application, there were problems accessing this. Some respondents eligible for a reduction in the fee reported that the costs for the documentation was then still too much.

“Lengthy, stressful and very expensive. I kept a lot of documents so I had ‘proof’ to hand but a ridiculous number of examples are needed. The cost of gathering documents, particularly doctors letters and the cost of tracked delivery all made it very expensive.” (Individual online response - Citizen Space)

“...my then GP did not provide the second required medical report within a reasonable time-frame for me to continue the GRC application process (it was dated more than six months after my GIS [Gender Identity Service] consultant’s report). I was advised that I would need to obtain another approved practitioner’s letter from the list via a private appointment as I was no longer a patient at a GIS and my lead consultant had left the service. I gave up at that point as I did not have the finances or energy to go through the process” (Individual email response)

Dehumanising

Respondents commonly voiced the feeling that the application process was dehumanising, humiliating or had made them feel like they needed to justify themselves or prove who they were. In addition to this, many of these respondents went on to say that they were uncomfortable with disclosing highly personal information about themselves to a panel of people they would never meet, who held power to make decisions about applicants’ identity.

“I found the process totally humiliating only to be refused a gender recognition certificate at the end of the process even though I had my gender reassignment surgery over 25 years ago.” (Individual online response - Citizen Space)

“It was complex and dehumanising” (Individual online response - Stonewall)

“It’s a demeaning and dehumanising process that I disagree with, but I longed to have my birth certificate corrected as an affirming step.” (Individual online response - Citizen Space)

“I have found the process to be extremely expensive, tedious, and humiliating. I had to ask my manager for a letter saying that I have been out in the workplace for 2 years. I had to pay to get a letter from a psychiatrist, and even after all of that, I have to wait and be judged by a panel. It’s dehumanising, draining, exhausting, and expensive. It shouldn’t be this hard to be recognised for who I am.” (Individual online response - Citizen Space)

“My experience of applying for a GRC, amounted to having to prove and justify that I’m not fraudulent to an unknown panel of people I’ll never meet, seeking their

validation for my gender against an unknowable standard.” (Individual online response - Citizen Space)

Emotional impact

Respondents commonly stated that the application process had an emotional impact, and respondents reported finding the process “upsetting” or discussed the “emotional toll” it took on them. This exacerbated their gender dysphoria or reignited existing mental health problems such as stress, anxiety and depression. A number of respondents who had not yet applied feared the emotional impact the process would have on them.

Lack of recognition for non-binary identities

Another reason for not applying for a GRC which was regularly raised was the lack of recognition of non-binary identities under the current GRC arrangements. Some of the respondents who raised this had not applied because they identified as non-binary trans, and therefore they would be unsuccessful in having their identity recognised through the legal gender recognition process. A small number of respondents were still at a very early stage in their transition and felt that they were still exploring their gender identity. Therefore, they did not currently want to apply as they felt that their gender was still fluid.

Issues with obtaining gender dysphoria diagnosis and medical appointments

A number of respondents stated that they would apply as soon as they were able to, but were currently on long waiting lists in order to access gender clinics or obtain a gender dysphoria diagnosis, a requirement of the GRC application process. Some were waiting for first appointments. Others, who had not recently transitioned, reported that they needed to go back through the system, because their medical records had been lost, or professionals they had dealt with the first time around had left.

Happy with the overall process

A small number of respondents were happy with the overall process. Some expressed that while they found the process to be lengthy and expensive, they were still glad to have gone through this.

Perceptions application would be rejected

A small number of respondents who had not applied for a GRC perceived that their application would be rejected. Some believed that they would be required to have surgery they did not want to have. Others felt that they did not have the necessary evidence to apply. A small group had concerns that their medical conditions, which prevented them from undergoing surgery or hormone treatment, would affect the panel’s decision. Among these respondents, there appeared to be confusion over what sort of evidence was required for the GRC application.

Issues with marriage/spousal declaration

A few respondents had issues around the spousal declaration the gender recognition process required. There was some confusion about the requirement, with some respondents believing they would be required to divorce their spouse in order to apply, even if their spouse consented to their application. Some respondents may have been answering about their situation before the introduction of same sex marriage in Great Britain in 2014.

“The process seems complicated and intrusive and requires me to divorce my spouse.” (Individual online response - Citizen Space)

A few respondents had specific issues with the consent part of the spousal declaration. Some felt this declaration meant that their spouse had the final say over their transition and, although their spouse was supportive, they found this inappropriate. Others had spouses who would not consent to remaining in the marriage after a legal gender transition of the applicant, and would, therefore, not provide a statutory declaration in which they gave consent. There was also mention of fees that would be needed in order to update their marriage certificate (see chapter 21 for more details on issues of marriage and spousal declaration).

Perception that a GRC would be of no benefit

A small number of respondents did not feel that a GRC would provide them with any benefit. This was more likely to be the case for those who had lived in their acquired gender for a long time. These respondents felt that people around them, and those they came into contact with, were accepting of who they were. Alternatively, they were mistrustful of allowing medical professionals into their lives when they did not perceive themselves as having a medical condition.

A small number of respondents felt that they had access to all the necessary documentation they needed without a GRC – passport, driving licence, bank details and utility bills could all be changed without a GRC. These respondents were reluctant to go through the perceived difficulty and expense of the gender recognition process simply to change their birth certificate.

Fear / safety

Some respondents expressed fear about a number of different issues, in particular, their application being rejected, the impact of gaining a GRC on their relationships with family and friends, and the impact of a GRC on their career or work life. Some respondents expressed they were not always “out” at work or with their family and friends. For these respondents, the freedom to reveal and discuss their gender identity on their own terms was seen as something that would be compromised by applying for a GRC.

Too young

A few respondents under 18 were too young to apply but most stated that as soon as they were old enough they would. Some of these younger respondents also argued that that the range of evidence required for the application process was particularly difficult for younger people to provide.

Not yet long enough in acquired gender

A small number of respondents stated that they had not been living in their affirmed gender for long enough to apply, although most of these respondents stated that they would apply as soon as they were able.

4.3 Question 1(b) – quantitative analysis

Question 1(b): If you have applied, were you successful in obtaining a Gender Recognition Certificate?
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	Total	Valid
Yes	52.2%	60.4%
No	10.3%	11.9%
Awaiting decision	24.0%	27.7%
Not answered	13.5%	-
<i>Respondents</i>	<i>1,110</i>	<i>960</i>

Respondents who had applied for a GRC were asked whether their application was successful. Most of these respondents (86.5%) answered the question, and of these, a majority (60.4%) said that they had been successful, compared to 11.9% who had not, and 27.7% who were currently waiting for a decision.

There was some variation in responses depending on the source. Those responding via official government channels were more likely to report being successful in their GRC applications (66.3%) compared to 50.7% of those responding via Stonewall (see Annex Table B4). As with question 1(a), question 1(b) was not included in the Fair Play for Women template or the Level Up form, and no responses to the question were received via these routes.

5. Question 2: The meaning of a Gender Recognition Certificate

A GRC changes a person’s legal sex for all purposes, subject to some exceptions. Trans people can use a GRC to obtain a new birth certificate in their acquired gender. Applying for a GRC may therefore be a major step in a trans person’s transition. The government asked trans respondents what having a GRC means, or would mean, to them. This was an open, free-text question, the intention of which was to get a better understanding of trans people’s views on the meaning and importance of the gender recognition process to their everyday lives.

5.1 Question 2 – qualitative analysis

Question 2: If you are a trans person, please tell us what having a Gender Recognition Certificate means, or would mean, to you.

The question was intended for trans respondents only. There were 12,140 responses to this free-text question with the vast majority of responses being from trans or non-binary people. Various topics were addressed, with the most commonly-raised points explored below. Some respondents gave very short responses in the form of one word like “everything” or “dignity”.

Validation and equal treatment

A large number of respondents felt that obtaining a GRC gave, or would give them, legal and/or societal validation of their identity. Having a GRC often also represented the completion of respondents’ transition. Other respondents suggested that reforms to the GRA might ultimately increase the validation and acceptance of trans people by wider society. Some respondents reported that having a GRC would legitimise conversations with family and friends over their gender identity.

A few respondents felt that a GRC represented a recognition of equal rights for trans people. Some went on to say that they saw changing the sex marker on a birth certificate as a rightful correction to the injustices they perceived trans people had experienced historically. A group of respondents felt having a GRC would give them better access to the healthcare they needed as part of their transition, thinking that they would be taken more seriously if they had a GRC.

Access to an updated birth certificate

For many respondents it was felt that obtaining a birth certificate matching their gender identity may make interaction with government agencies more straightforward. Then all their documentation would be aligned and reflective of their gender identity. For some the birth certificate was simply a meaningful end in and of itself, as it represented legal recognition of their gender identity.

Safety and security

Respondents frequently discussed ways in which a GRC represented to them a degree of protection from having their trans status disclosed against their wishes. The GRC was perceived as safety from having to disclose highly-personal information, protection from risks of physical violence, and the ability to travel without worry, particularly to countries where trans people have no legal rights.

“I think it would bring extreme comfort. At the moment having the letter ‘F’ on my documents means that often I’m exposed to being outed when I’d rather not be. It makes me extremely uncomfortable at best, and compromises my safety at worst.”
(Individual online response - Citizen Space)

A small number of respondents said that, for them, a GRC represented privacy, not having to disclose their gender identity unless they were comfortable doing so. As long as not all their legal documentation matched their gender identity, they perceived they would always be in a position where they might have to explain their trans status to others.

A small number of respondents felt that having a GRC would reduce the likelihood of discrimination in areas including employment, housing and when accessing particular facilities or services.

Marriage

A GRC enables a trans person to marry in the gender fitting their identity. The ability to do so was seen as an important right by a number of respondents, especially in the context of seeking a marriage at a religious institution that does not conduct same-sex marriages. For a number of other respondents, the GRC would enable the correct terminology being used in the wedding ceremony for their gender identity and their relationship with their spouse. Some respondents were already married and wanted to change their existing marriage certificate to reflect their gender identity.

“...perhaps most importantly, on the day I get married it would allow me the dignity of declaring that I would be a wife and, of utmost importance, my wife would have taken me to be her wife.” (Individual online response - Citizen Space)

Death certificates

A small number of respondents mentioned the issue of death certificates. It was important to them that, with a GRC, when they had died, their death certificate would be issued in their correct gender.

Criminal justice system

A less frequently-raised but nevertheless important theme was concern over navigating the criminal justice system without a GRC. Respondents discussed what having no GRC might mean in this context, and how they would be treated by police and courts either as a victim or perpetrator of a crime. There was also a great deal of fear from these respondents over whether they would be placed in the prison estate most fitting their gender identity should they ever be accused of a crime.

Mental health

A small number of respondents talked about a GRC giving them “peace of mind” and reducing stress, worry and anxiety. Many of these respondents perceived that having a GRC would make them feel more confident, particularly if they were challenged on their gender identity in public spaces. For others, the fear of being “outed”, a constant source of anxiety, would be greatly reduced by having a GRC.

No meaning

A small number of respondents felt that a GRC did not represent anything in particular. For some, this was because having a GRC would still mean they would not be able to update or delete previous medical and employment history. For others, the meaning was marginal (and they therefore had not applied), because they were already able to access all the necessary documentation, such as a passport, driving licence and bank account, which reflected their gender identity without obtaining a GRC. A few respondents in this group felt a GRC would offer little protection from discrimination in a society that is structurally biased against trans people. They thought bigger shifts in society were necessary before any significant positive impact would come from GRCs for trans people. A few respondents felt that a GRC represented being treated as a second-class citizen, and would therefore not apply.

Non-binary gender identities

The question received a high number of responses from people identifying as non-binary who talked about what it would mean for them if the gender recognition process was reformed to accommodate non-binary identities. Many of these respondents discussed how they felt that their identity was currently not validated, because they were unable to have it accurately recorded on their birth certificate and other documents. For these respondents, there was concern about their official documentation carrying what they saw as incorrect information. They stated that until there was a non-binary option, on birth certificates and other documentation, their gender identity would never be fully recognised.

6. Question 3: The gender dysphoria diagnosis requirement

Under the current system, applicants must have a diagnosis of gender dysphoria and submit two medical reports providing evidence of this diagnosis as well as any medical treatment that the applicant has undergone. Although an applicant does not need to have had any kind of medical treatment in order to obtain a GRC, if they have received any treatment, then this must be detailed in the medical reports.

Gender dysphoria is a clinical condition where a person experiences discomfort or distress because there is a mismatch between their biological sex and gender identity. A diagnosis of gender dysphoria or incongruence is also required in order to access NHS treatment, including surgery, but this consultation concerned only the process of legal transition. Though a medical diagnosis is required for legal gender recognition, the legal process is separate from the medical one. Any changes made to the legal process will not result in changes to the medical pathway, which is set by the NHS.

Since the Government's stated aim in this consultation has been to explore ways of making the gender recognition process less bureaucratic and intrusive for applicants, we wanted to better understand people's views on the effect of reducing or removing these requirements. This chapter provides an overview of the responses we received to question 3 of the consultation regarding the gender dysphoria requirement. The following chapter explores responses to question 4, which relates to the requirement for a report detailing treatment received.

6.1 Question 3 – quantitative analysis

Question 3: Do you think there should be a requirement in the future for a diagnosis of gender dysphoria?

Please explain the reasons for your answer.

	Total	Valid
Yes	35.5%	35.9%
No	63.2%	64.1%
Not answered	1.4%	-
<i>Respondents</i>	102,820	101,420

Nearly all (98.6%) consultation respondents provided an answer to this question, with nearly two-thirds (64.1%) saying that there should not be a requirement for the diagnosis of gender dysphoria in the future, and just over a third (35.9%) saying that this requirement should be retained.

There was some variation in responses based on location, with respondents in Scotland most likely to say that this requirement should be removed (70.5%), followed by 65.8% of those in England. In comparison, respondents in Wales (58.8%) and Northern Ireland (55%) were less likely to say that this requirement should be removed (see Annex Table B5).

There was stark variation depending on the source of respondents, with all those responding via the Fair Play for Women template saying that the requirement should be retained. In contrast, the vast majority of responses received via the Level Up⁸ and Stonewall questionnaires said that the requirement should be removed (96% and 97.2% respectively). Responses received via official government channels were more evenly split, with a slightly larger proportion (53.8%) in favour of removing the requirement as opposed to retaining it (46.2%) (see Annex Table B6).

There was some variation between organisational and individual responses, with organisations less likely to provide an answer to this question (88.8% compared to 98.7%), and organisations more likely to favour dropping the gender dysphoria requirement than individuals (74.1% compared to 64%).

6.3 Question 3 – qualitative analysis

Of those respondents who responded “Yes” to the question, 33,270 made further comments. Of those that responded “No”, 48,930 made further comments. Respondents to this question commonly raised the following points in their responses.

Gender dysphoria is not a medical issue

One of the main responses to this question strongly indicated that being trans is not an illness and one’s gender identity should not have to be subjected to medical scrutiny. The majority of the responses within this theme mentioned that being trans is not a whim, and that trans people have thought long and hard about the implications before declaring their intent to change their legal gender. These respondents felt that trans people knew their own minds and identity well enough, and should be trusted to have given substantial consideration to such a life-changing move, particularly given their awareness of the potential for exclusion from their families and employment. It was also emphasised that no “gender dysphoria” experience is identical, with each being deeply personal.

“Gender dysphoria is something that is very personal for each individual.”
(Organisational online response - METRO Charity)

“This medicalises trans people's experiences, it pathologises them and reinforces that being trans is a mental illness, which it is not. Gender dysphoria is not always something which trans people feel and to varying degrees - so how can this be

⁸ Note that the Level Up questionnaire used an alternative, simplified version of the original question, which should be borne in mind when considering responses received through this channel (see Section 3.1.2.).

measured and quantified? People are made to prove 'how trans they are'. This should end.” (Organisational online response - LGBT organisation)

“It's not a medical issue, why should trans people have to jump through so many hoops to prove who they are?” (Organisational online response - Autistic UK)

Some respondents remarked that not all trans people experience gender dysphoria, which creates an additional barrier to obtaining a diagnosis as part of the GRC process.

“Not all trans people experience dysphoria, or require medical treatment related to their gender identity. Reliance upon diagnosis for legal recognition of gender is both dangerous in assuming a fundamental link between gender identity and dysphoria, and is a structural barrier to legal recognition – there are insufficient resources for gender identity clinics and healthcare, and so even people who do experience dysphoria struggle to receive a diagnosis due to long waiting times and huge disparities in care available depending on postcode.” (Individual email response)

“Trans people are the experts about who they are. Whether someone is "trans enough" isn't a medical matter, and shouldn't be decided on by people who almost certainly don't have lived experience of what it feels like to be trans.” (Individual online response - Level Up)

Organisations supporting or representing children and young people commonly held the opinion that transgender children are at risk of being perceived as having a mental health problem by professionals working with them. Organisations representing the LGBT community predominantly stated that the requirement for a diagnosis was outdated, and led to unnecessary stigma and prejudice. Some third-sector organisations and many members of the public argued this would bring England and Wales in line with countries that offer gender recognition without a diagnosis requirement. Countries mentioned were Ireland, Malta, Argentina and Norway.

However, in contrast, a number of other organisations, often representing the religious perspective, argued that the diagnosis requirement helped people who are suffering from an illness and are in a vulnerable position. They argued that removing the need for a diagnosis would unnecessarily put vulnerable people at risk. Those expressing this perspective urged the Government to be careful.

Gender dysphoria is not a mental illness, but a diagnosis should be required

A substantial proportion of respondents agreed with the Government and the World Health Organisation (which issues the ICD handbook, the globally used diagnostic classification standard for all clinical and research purposes), that gender dysphoria is not a mental illness. However, these respondents still felt that a diagnosis was necessary prior to transitioning, and should remain part of the legal gender recognition process. Among these respondents there was a significant level of support for gender dysphoria not being pathologised, and avoiding the stigma associated with mental health problems. Many of these respondents likened it to the way that autism was previously perceived as a mental disorder when little was known about the condition.

Groups representing women were quite split on this issue. Some argued against the gender dysphoria diagnosis, such as the Belfast Feminist Network that wrote that a

“medical diagnosis is unnecessary and potentially discriminatory” (Organisational email response - Belfast Feminist Network). Others argued for it, including Fair Play for Women, who wrote that “[i]f doctors, diagnoses and medical reports aren't part of the checking process it means anyone can declare themselves male or female and no one can say otherwise” (Organisational online response - Fair Play for Women).

Diagnosis makes applicants dependent on a third party

Being dependent on a third party or external standard was seen as particularly problematic for those transgender people who are not gender dysphoric. Trans respondents complained about having to prove they were “dysphoric enough” for what they perceived was a subjectively determined diagnosis. They felt that it was an unreasonable barrier to gender recognition to be judged by a party who might be subject to explicit or implicit biases.

Many cisgender (not transgender) respondents were supportive of there not being a requirement for a medical diagnosis and commented that they do not have to prove their gender, and do not expect that anyone else should have to.

“Trans people should not have to prove they are who they are, I, as a cis person, don't have to prove my own gender identity and it's not fair that they should have to.” (Individual online response - Stonewall)

The theme of trans people retaining the agency to define their own gender identity was echoed by a number of trans organisations/trans-supporting organisations. They were also concerned about long waiting times involved in getting a diagnosis.

“Gender labels are forcibly applied to children at birth, and the idea that somebody has to go through a complex psychological evaluation in order to change their label, is a violation of our dignity. Gender is not a choice, but it is a matter of personal identity. Doctors and psychologists should not be allowed to gatekeep this process.” (Organisational online response - Action for Trans Health London)

“...you don't need physical dysphoria to be trans. It's hard to get a diagnosis, especially with current waiting times.” (Organisational online response - LGBT Organisation)

A smaller number of respondents, particularly those drawing on the Stonewall campaign guidance, quoted from the World Professional Association for Transgender Health (WPATH), which sets the International Standards of Care for transition-related healthcare.

“WPATH have stated in their Identity Recognition Statement that “medical and other barriers to gender recognition for transgender individuals may harm physical and mental health”. They define these barriers as including “requirements for diagnosis”” (Organisational online response - LGBT organisation)

Prevention of “frivolous” GRC applications

Those respondents who answered using the Fair Play for Women template response suggested that medical reports need to be part of the gender recognition process, because it would otherwise leave the system open for abuse. A significant number of

other responses felt that embarking on a legal gender recognition process that did not involve a medical diagnosis potentially posed a danger to wider society. It was thought that men could make what were described as “frivolous” claims to identify as a woman, and this way gain access to women’s spaces. Examples of hospital wards, women’s refuges, changing rooms and women’s prisons were cited most frequently; in addition to these, there were frequent references to single-sex religious spaces.

Organisations such as Girlguiding and the Youth Hostel Association were mentioned by name as having policies that pose risks to women and girls, potentially providing men with a GRC stating they are female access to spaces where women undress or sleep. Women’s prisons were also discussed at length with mention of male prisoners potentially “choosing” to identify as a woman in an attempt to be relocated to a female prison where conditions are perceived as more favourable. Some respondents referred to a recent example of a transgender sex offender who had been relocated to a women’s prison and committed further sex crimes against women. In summary, responses under this theme often expressed the view that among genuinely trans women applying for a GRC, there were also likely to be predatory non-trans men applying for a GRC for frivolous or malicious purposes.

Survivors of sexual assault and domestic violence

A number of responses were given by survivors of sexual assault and domestic violence who experienced post-traumatic stress disorder (PTSD) as a result of their experiences. They stated that they felt that they simply could not be in the presence of someone assigned male at birth while in a designated female-only space. In relation to the GRA, this would then concern trans women either with or without a GRC. Many respondents saw trans women who do not aim to undergo or have not undergone surgical intervention as the greatest risk of being predatory and violent against women. These respondents thought that a requirement for a diagnosis of gender dysphoria would form a powerful deterrent. In contrast, a number of domestic abuse, sexual abuse or sexual assault support groups drew attention to the fact that trans women were also victims of gender-based violence, requiring support and help.

Wider themes

Some wider themes were raised by respondents in relation to the diagnosis requirement more broadly, these included:

- **Diagnosis as a barrier to obtaining medical support** – commonly-voiced opinions expressed that obtaining a diagnosis of gender dysphoria was an additional, unnecessary barrier to receiving help or treatment.
- **Applicants with autism spectrum disorder (ASD)** – less-frequently voiced opinions on this theme mentioned that trans people with autism were subjected to additional gatekeeping, often considered to be “confused” and not “really” trans.
- **Legitimacy of changing gender** – a number of respondents questioned the current provision to change one’s sex marker in passports, driving licences and other legal documents, which are paramount in establishing someone’s legal identity. They argued that the law deals with concrete situations and certainties, and should apply this to biological definitions of male and female.

- **Vulnerable position of trans people** – it was repeated that many trans people are unemployed due to discrimination in the workplace, and do not have ready access to funds. Respondents also noted that trans people are more likely to lead transient lives due to rejection by their family and exclusion from employment, being at higher risk of homelessness. These facets create barriers for obtaining medical care and a diagnosis.
- **Additional pressure on NHS** – a small number of respondents were concerned about the need for a diagnosis putting additional pressure on the NHS.
- **Data protection** – a small number of respondents were concerned about storage and security of data relating to a person's trans status. They were concerned that the diagnosis requirement breaches privacy, and that it is not ethical to ask deeply personal questions about someone's gender identity.

7. Question: 4: The medical report requirement

As noted in the previous chapter, questions 3 and 4 of the consultation asked about the current medical requirements for legal recognition. This chapter discusses responses to question 4, which asked respondents whether they thought there should be a requirement for a report detailing any medical treatment received.

7.1 Question 4 – quantitative analysis

Question 4: Do you also think there should be a requirement for a report detailing treatment received?

Please explain the reasons for your answer.

	Total	Valid
Yes	15.7%	19.7%
No	64.0%	80.3%
Not answered	20.3%	-
<i>Respondents</i>	102,820	81,900

A high proportion of respondents provided an answer to this question (79.7%), with around 4 in 5 (80.3%) in favour of removing the requirement for a medical report, which details all treatment received, as part of the application process for a GRC.

There was some variation in responses to this question by location, with respondents in Scotland most likely to support removing this requirement (91.7%), followed by 84.2% of respondents in England (84.2%). Respondents in Wales and Northern Ireland were less likely to support removing the requirement (80.2% and 81.6% respectively) (see Annex Table B7).

There was some variation in answers to this question depending on the source of responses. Nearly all responses submitted via Level Up⁹ (99.7%) and Stonewall (98.3%) included an answer to this question, with most respondents through both of these channels strongly in favour of removing the requirement for a report detailing treatment received (96% and 98.1% respectively). These campaigns had a strong influence on the overall distribution of responses to this question, as those responding through the official government channels were much more evenly balanced, with 57.3%

⁹ As with question 3, the Level Up form used an alternative, simplified version of the original question 4 wording, which should be borne in mind when considering responses received through this channel (see Section 3.1.2.).

in favour of removing the requirement (see Annex Table B8). The question was not included in the Fair Play for Women template, and no responses to the question were received via this route.¹⁰

There did not appear to be any significant variation between individual and organisational responses to this particular question.

7.2 Question 4 – qualitative analysis

Of those that responded “Yes” to the question, 12,300 provided further comments. Of those that responded “No”, 46,960 provided further comments. Respondents to this question commonly raised the following points in their responses.

Evidence of sincerity and commitment

For those respondents who thought that there should continue to be a requirement for a medical report, it was strongly felt that the report demonstrated evidence of a person’s sincerity and commitment to obtaining a GRC. Many said that they felt this requirement helped to prevent abuse of the system and saw the involvement of trained medical professionals in the application process as a positive, in that, in their opinion, it acted as a safeguard.

A strongly-voiced opinion among respondents, both trans and non-trans, who thought there should be a requirement for a report detailing treatment, was that the requirement demonstrated sincerity and commitment, and should, therefore, be a requirement for applying for a GRC.

“Changing sex legally IS a big deal. It should BE a big deal. And I would be very suspicious of anyone for whom it was NOT a big deal and who was not willing to go through the gatekeeping like 4910 [number of GRCs issued at that point in time] of us were. But only wanted in on this law and these rights once you made it so easy that they only had to ask for it - not offer any proof.” (Individual online response - Citizen Space)

A small group of trans respondents had the opinion that losing the medical requirements would be demeaning to trans people who had already gone through the gender recognition process, devaluing their position and status. Additionally, they felt that society would be less accepting of their struggle should it become easier to obtain a GRC.

Although medical treatment is not a prerequisite for obtaining a GRC, some respondents thought the medical report requirement ensured that a GRC was only obtained by someone who was prepared to undergo treatment, which demonstrates seriousness and their intent to live in their acquired gender.

¹⁰ While the official Fair Play for Women template did not answer question 4, a small (<5) number of respondents submitted an edited version of the template directly to GEO, including an answer to this question, which is excluded from this description due to the small base size.

Link between medical and legal processes

Commonly-voiced opinions emphasised the importance of the role of medical professionals, because of the length of their training, and the fact that their profession is governed by codes of ethics and regulatory frameworks. They suggested that the requirement for a medical report contributed to the welfare of the GRC applicant, as well as to further understanding of gender identity issues and underlying reasons for gender dysphoria.

Under this theme, some respondents felt that the link between the medical and legal processes was necessary to ensure that the person requesting legal gender recognition was not suffering from other medical and/or mental health problems. They felt that the medical report requirement would contribute to identifying mental health disorders, which could affect applicants' judgement in relation to wanting legal gender recognition. Many respondents who raised this point also proposed a rigorous system of checks for medical transition in general, irrespective of the gender recognition process which the question consulted on.

Responses from a number of women's organisations also fell under this theme. While acknowledging that the link between legal and medical processes could be intrusive, they saw the medical requirements as necessary for deterring fraudulent applications. Along similar lines, a number of religious groups saw transition as a major life decision and therefore supported the requirement as a safeguard against later regret or mental health issues.

“A report is important as a contribution to the welfare of the patient and the improvement of medical and psychological understanding of people with gender dysphoria. Patients may later regret having undergone gender recognition and any associated gender reassignment treatment. They might need subsequent medical and psychological help, and having proper records would enable the patient and the medical profession better to understand these regretters and detransitioners.”
(Organisational online response -Christian Concern)

“...a report is a sensible stipulation that helps safeguard against premature transition with insufficient thought that may lead to regret, the desire to de-transition and additional mental health issues.” (Organisational email response - The Evangelical Alliance)

In contrast, other religious groups saw the report as unnecessary. One religious organisation stated that “trans people are part of the diversity and richness of God's creation and that unnecessary requirements for medical reports undermine their dignity” (Organisational email response - The Gathering, Cardiff).

Not everyone desires medical treatment

A commonly-voiced opinion from those who disagreed with the need for a medical report was that not all transgender people necessarily wanted to have medical treatment, or were able to undergo medical treatment. As a result, it was argued that these trans people were excluded from obtaining a GRC, or at least put off. Although GRC applicants do not have to undergo or have undergone medical treatment, guidance does advise medical professionals who issue the medical report to explain why no medical treatment is, or will be, undergone.

“Putting such importance on surgery for trans people is essentially saying that people’s gender is intrinsically tied to their genitals.” (Individual online response - Citizen Space)

“As the law already determines that you don't need to have medical intervention to identify as trans, therefore legal recognition should not rely on medical intervention and assessment regarding medical treatment.” (Individual online response - Citizen Space).

It was also argued that for some trans people, not undergoing medical treatment was not a choice. There may be hereditary family medical history or pre-existing conditions which prevent the use of hormone-based treatments. Some trans people said that they felt that their cultural context forced them not to opt for medical treatment. Others pointed out that surgery can be frightening and has attendant risks. A smaller number reiterated the concern (raised in the previous chapter) that people with autism spectrum disorder who express a desire to transition may not be taken seriously by the medical profession, and could subsequently be excluded from obtaining a medical report.

This theme was explored by some organisations supporting or representing children and young people. Whilst some young people might wish to undergo medical treatment, children’s charity Barnardo’s stated “not all trans people wish to undergo medical procedures” (Organisational online response - Barnardo's).

Pathologisation of trans identities is dehumanising

Another theme raised in responses to this question was that the medical report requirement could lead to the pathologisation of trans identities. As noted in detail in Section 5.2.2, many respondents used the language of feeling dehumanised and humiliated to describe their perceptions of the gender recognition process. A commonly-voiced opinion among these respondents was that they felt they were trying to prove themselves to a panel of people who would never meet them or understand what they had experienced. Some of the women’s groups argued that an individual is an “expert in their life” (Organisational email response - Women’s rights organisation) and therefore it should not just be up to a medical professional to make a judgement. It should be noted here that, for some respondents, medical treatment was not their main focus, but, at most, a secondary aspect of having their chosen gender legally recognised.

Related to pathologisation is the topic of privacy. Respondents felt their privacy was invaded and that it was discriminatory for the State to require information about whether they had undergone any form of treatment.

“De-medicalisation is also closely linked with trans people’s ability to feel a part of society without facing discrimination. Psychiatric assessment is frequently described by trans people as demeaning. That’s because trans people’s identities are interrogated by third parties, contributing to their feelings of invalidation. The process gives Panels unnecessary control over trans people’s lives and identities, violating their right to a private life.” (Organisational online response - Stonewall)

Another commonly-voiced opinion was that people felt that trans lives are subjected to more intense scrutiny than others, of which legal gender recognition was one aspect.

The medical requirement in the gender recognition process therefore prevented them from feeling part of society without experiencing discrimination.

“We believe the requirement for a medical report is demeaning, intrusive and distressing, especially if an applicant has to explain why no treatment to modify sexual characteristics has taken place. The requirement to provide a report is also burdensome and expensive.” (Organisational email response -Communication Workers Union)

A smaller number of respondents discussed the wide range of medical and psychological evidence they had been required to provide, and noted how this had made them feel that they were being treated as a medical problem, with some expressing that they felt threatened by the medical profession.

The process adds to bureaucracy

A commonly-voiced opinion was that the medical report requirement simply formed a further barrier to what was an already overly-bureaucratic process, with some respondents mentioning difficulties in accessing medical treatment in general. A number of respondents noted the long waiting times at gender identity clinics which prevented them obtaining medical treatment, and, subsequently, medical reports. Finally, some respondents saw this requirement as an additional financial burden, saying that a medical report could often cost upwards of £100 to obtain.

8. Question 5: The evidence of living in the acquired gender requirement

As well as providing medical evidence, applicants must provide evidence that they have lived full-time in their acquired gender for at least two years before the date of application. This means that applicants need to send a selection of documents covering the two-year period that show they have been living in their acquired gender (and using their new name, if relevant). The kind of documentation that the Gender Recognition Panel asks for includes driving licences, passports, bank statements, utility bills, and academic certificates.

Since the Government’s stated aim in this consultation has been to explore ways of making the gender recognition process less bureaucratic and intrusive for applicants, they wanted to better understand people’s views on the effect of reducing or removing this requirement. Those respondents who said they agreed that applicants should provide some evidence of living in their acquired gender were asked follow-up questions about the nature of the evidence required and the appropriate length of time that this should cover. This chapter provides an overview of the responses received to these questions.

8.1 Question 5(a) – quantitative analysis

Question 5(a): Do you agree that an applicant should have to provide evidence that they have lived in their acquired gender for a period of time before applying [for a GRC]?

Please explain the reasons for your answer.

	Total	Valid
Yes	17.0%	21.4%
No	62.5%	78.6%
Not answered	20.5%	-
<i>Respondents</i>	102,820	81,700

Around 4 in 5 (79.5%) respondents answered this question. Most of these respondents (78.6%) were in favour of removing the requirement for individuals to provide evidence that they have lived in their acquired gender for a period of time before applying for a GRC.

There was some variation in responses to this question by location, with respondents in England and Scotland (77.9% and 77.6% respectively) more likely to answer this question than those in Wales and Northern Ireland (72.9% and 67.2% respectively). Respondents in Scotland were also the most likely to be in favour of removing the

requirement (89.4%) compared to the other three UK countries (ranging from 78.3% to 82.3%) (see Annex Table B9).

As with questions 3 and 4, there was considerable variety between responses received via different sources. Responses received through official government channels were relatively evenly split, with the balance leaning towards removing the requirement (56.2%). In contrast, responses received via Level Up¹¹ and Stonewall were strongly in favour of removing the requirement (96.4% and 95.2% respectively), which had a strong impact on the overall distribution of responses to this question (see Annex Table B10). The question was not included in the Fair Play for Women template and no responses to the question were received via this route.

There did not appear to be any significant variation between individual and organisational responses to this particular question.

8.2 Questions 5(a) and 5(b) – qualitative analysis

Question 5(b): If you answered yes to 5(a), do you think the current evidential options are appropriate, or could they be amended?

This section will discuss the themes emerging from the first part of the consultation question and will describe the most commonly raised points in respondents' reasons for their answer as to whether an applicant should submit evidence of having lived two years in their gender. In a second question, those who answered "Yes" to the applicant living in their acquired gender for a period of time were asked whether the current requirement is appropriate or should be amended in any future reform of the GRA.

Of those that responded "Yes" to question 5(a), 13,700 made further comments, and 11,280 went on to provide comments in response to question 5(b). Of those that responded "No" to question 5(a), 43,040 made further comments. Responses to these two questions were combined for the purposes of this analysis.

The requirement can demonstrate sincerity and commitment

Among those who agreed with the requirement to provide evidence of at least two years, a strongly-held opinion was that GRC applicants should demonstrate their sincerity and commitment to changing their gender. Most of these respondents clearly expressed a belief that applicants should have a genuine reason for applying and be able to demonstrate their commitment based on actual experience of living in their chosen gender. A commonly-held opinion among these respondents was that it was important for the applicant to be totally certain that the decision was the correct one for them. They suggested the two-year period served as a check of all the implications before making a legal commitment.

"This is a serious matter, and time - more than the current 2 year wait, should elapse in order to prove the genuine intention of living permanently as the opposite

¹¹ The Level Up form used an alternative, simplified version of the original question 5(a) wording, which should be borne in mind when considering responses received through this channel (see 3.1.2.).

sex.... Any important life time decision should require every possible evidence being produced.” (Individual email response)

Among these responses, there was an emphasis on avoiding hastily-made decisions. Respondents with this view saw the requirement as part of a whole package, in which both the evidence requirement and the gender dysphoria diagnosis were important elements to deter people from regretting going through with legal gender transition. Making the link between the medical and legal routes trans people take, these respondents suggested that applicants should receive support during the two years’ evidence requirement, which could then feed into the gender dysphoria diagnosis.

“After this period they may feel much more confident and go on to follow medical and legal transitions, or they may realise that actually it is not the sex they were born in, but society's attaching of gender roles to their sex, that has been causing them such distress.” (Individual online response - Citizen Space)

A number of respondents mentioned that the evidence requirement was especially important for teenagers who were exploring their gender identity, some of whom, it was suggested, might think they are trans when they turn out not to be. The GRA does not allow people below 18 to apply for a GRC, so that opinion would be in view of any later decisions the teenagers in question would make.

The requirement gives protection to society

A commonly-held opinion among those who agreed with the evidence requirement related to the theme of protection. These respondents suggested that the requirement deterred frivolous applications, and would better protect and safeguard society from those who made fraudulent applications. In this context, single-sex services for women were often mentioned, a topic which is explored in more detail chapter 17.

Most respondents who expressed this view felt that a certification of identity, which they saw as part of the evidence requirement, should not be removed from the legal gender recognition process. They expressed concerns about applicants potentially circumventing DBS checks, and thought the requirement for robust evidence for a GRC was necessary to prevent it.¹² In that light, several respondents commented that the evidence requirements should be stricter for any applicant with a criminal record, including those whose convictions were spent. Although criminal records of applicants are not amended or deleted as a result of gender recognition, these respondents thought that a strict evidence requirement could prevent the creation of new identities that would appear free from convictions. Some commented that violent criminals and known sex offenders should not be allowed to change their gender legally.

It is difficult to obtain the necessary documentation

A commonly-held opinion among those respondents who disagreed with the requirement was that it was difficult to provide the information necessary for fulfilling the requirement of having lived in the acquired gender for two years. Many of these respondents mentioned how difficult it was to create the necessary “paper trail”. Some explained they were living with their parents or partner, or were self-employed so they could not provide payslips which showed their name. Again it was mentioned that it was

¹² In DBS checks, all previous names need to be reported.

particularly hard for those just turned 18. Reasons included the electronic billing that has now becoming the norm for utilities, which, according to several respondents, made it hard to create the appropriate paper trail that the Gender Recognition Panel accepts. Some respondents also mentioned the hassle of completing a deed poll, which is not a necessity for a GRC application, but may be considered by applicants as supportive of the application.

“This requirement also places a burden of proof on to trans people. Social transition can be a difficult time for trans people and the requirement to provide proof of their gender identity represents an invasion of their privacy. Accessing this proof retrospectively can be [a] difficult and often costly endeavour. Amassing the evidence required is particularly difficult for those trans people who are estranged, have no fixed address, are unemployed or who have a low income.” (Individual email response)

“Self-declaration should apply – without any arbitrary time test. Requiring two years adversely affects young people, who are unlikely to have all necessary documentation when they turn 18.” (Organisational email response - Law Society of England and Wales)

The two-year time period is too long

A commonly-held opinion among respondents who disagreed with providing evidence was that having to wait two years to gather the paperwork added to trans people’s stress, impacted on their mental wellbeing, and led to a feeling that their lives were on hold. Some mentioned feeling suicidal during this time.

“That two-year period living in a legal and social grey area, was one of the hardest and most challenging of my life and I still have reactions now, akin to PTSD from that experience.” (Individual online response - Citizen Space)

Several of these respondents mentioned that they had thought carefully before engaging in the transition process, and, subsequently, thought that having to endure a further wait was unnecessary.

No clearly-delineated “transitioning” period

A smaller number of respondents said that there was not necessarily a definitive moment when an individual became trans or started to present in their identified gender. They explained that realisation of trans identity was often gradual, and that collecting data for a specific time period could be difficult. Some trans people noted they had to present as their previous gender for a period while transitioning, which had a negative impact on being able to gather the required evidence. For example, not being “out” at work had an influence on the ability to collect evidence retrieved from the work setting:

“Even so, and despite being an openly transgender woman, for very practical reasons I had to continue to present as male at work during the first year of transition. Something so practical, yet so demeaning, would have made that entire first year inadmissible to the gender recognition panel as evidence. So I withheld that fact from the panel entirely and only submitted evidence for how I presented to the world when not at work.” (Individual online response -Citizen Space)

A less commonly-expressed opinion was that the time period was based on an arbitrary decision, suggesting that requirement had no benefit to either those wishing to transition or to society in general.

The requirement is humiliating and dehumanising

A commonly-held opinion, also identified in previous chapters, was that it was “dehumanising”, “demeaning” and “humiliating” for trans people to have to prove they could live “in their gender”. Respondents felt there was a lack of transparency in the process. Several respondents mentioned that the panel was “faceless” and “distant”, and that it relied on “hard” evidence rather than on what the opportunity to transition meant to the person concerned.

Although the evidence requirement focuses on paper evidence only, and there is no assessment of the expression of one's acquired gender, many people did feel the application process in itself was a form of policing the expression of gender. Several respondents commented that the process was discriminatory, because cisgender people are not required to “prove” themselves. Others mentioned how the process contributes to sexist binary stereotypes of how men and women are expected to behave and present themselves.

8.3 Question 5(c) – quantitative analysis

Question 5(c): If you answered yes to Q5(a), what length of time should an applicant have to provide evidence for?

	Total	Valid
Two Years or More	58.9%	63.3%
Between One Year and Two Years	18.2%	19.6%
Between Six Months and One Year	11.0%	11.8%
Six Months or Less	4.9%	5.3%
Not Answered	7.0%	-
<i>Respondents</i>	<i>17,470</i>	<i>16,250</i>

Respondents who were in favour of retaining the requirement for GRC applicants to provide evidence of living in their acquired gender for a period of time prior to applying were asked how long this period should be. Most (93%) of those that responded “Yes” to the first question went on to answer this question, with the majority of these (63.3%) in favour of a period of two years or more. Only a small proportion (5.3%) suggested it should be a period of six months or less, with 31.4% in favour of a period of between six months and two years.

There was some variation in responses by location, with respondents in Scotland more likely to favour a period shorter than two years (48.4%) compared to the other three UK countries (ranging from 35.1% to 38%) (see Annex Table B11).

There was considerable variation between different sources of responses. Those responding through official government channels were much more likely to favour a longer period of time, with 68.2% selecting two years or more, compared to 19.1% of Stonewall respondents (see Annex Table B12). As the question was not included in the Fair Play for Women campaign or the Level Up questionnaire, no responses to the question were received via these routes.

There was some variation between individual and organisational responses, with organisations slightly more likely (74.3%) to favour the longest period of two years or more, compared to 63.3% of individuals.

8.4 Question 5(d) – qualitative analysis

Question 5(d): If you answered no to 5(a), should there be a period of reflection between making the application and being awarded a Gender Recognition Certificate?
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Of those that responded “No” to question 5(a), 40,440 made further comments under question 5(d), which asked, if there were no two-year evidence requirement, whether there should be a period of reflection between making an application and being awarded a GRC. This section discusses those responses, with the following key themes emerging.

Reflection takes place prior to application

A significant number of responses to this question indicated that reflection already takes place prior to making the application, in some cases for many years. Therefore, as applicants were certain it was what they wanted to do, respondents considered a reflection period between applying and being awarded a GRC unnecessary. Others thought that a reflection period would force trans people to wait even longer to legally become who they already are, and to prove that they are “trans” enough.

Reflection period creates further barriers

A commonly-held opinion was that there were already significant barriers to obtaining a GRC, including a lack of access to medical provision and shortage of counselling opportunities. Respondents thought that a reflection period would lead to unnecessary further delays, and would be stressful for applicants.

“This should be entirely a matter of personal choice, anything else is patronising to someone who has no doubt reflected on their gender identity for a long time already and making them wait any longer will almost certainly cause distress and frustration. If people have to wait they are effectively being ask to wait to be able to be themselves.” (Organisational online response -Third sector support)

A short period of reflection is required

Some respondents suggested that the two-year period is too long, but that a short reflection period was necessary. Suggestions by several respondents included periods of reflection ranging from a few weeks to a few months as sufficient to demonstrate commitment and sincerity to the legal gender change. Some respondents suggested that, during the reflection period, it would be possible to stop the application at any stage should the individual decide it was not the right step for them. A smaller number likened a reflection period for a GRC to the process of a divorce where there is a six-week delay between the decree nisi and decree absolute, which they felt would be appropriate for gender recognition too.

8.5 Wider themes

Some wider themes were raised by respondents in relation to the evidence requirement more broadly, these included:

- **Legal recognition should be quick, transparent and accessible** – respondents wanted gender recognition to follow a similar process to a name change via deed poll, or applying for a driving licence.
- **Trans people know their own identity best** – respondents expressed that trans people have the best idea of their own gender identity, and best understanding of their own needs. A reflection period is again a form of justification to third parties.

9. Question 6: The statutory declaration

Question 6 asked for respondents' views on the requirement for applicants to submit a statutory declaration as part of their application. The declaration – which must be witnessed by a solicitor, magistrate or commissioner for oaths – states the applicant's intention to live permanently in their acquired gender until death. It is a criminal offence to knowingly and wilfully make a false statutory declaration. The offence is punishable by up to two years imprisonment, an unlimited fine, or both.

The requirement for a statutory declaration could be seen as a minimum safeguard for any system, in that it provides a level of assurance that the application is genuine, with legal penalties for false or malicious applications.

This chapter provides an overview of respondents' views on whether the statutory declaration requirement should be retained. For those who said that it should be retained, there was a follow-up question about whether the declaration should state that the applicant intends to "live permanently in the acquired gender until death". For those who disagreed with retaining the statutory declaration, a follow-up question asked whether they thought there should be any other type of safeguard to demonstrate seriousness of intent.

9.1 Question 6(a) – quantitative analysis

Question 6(a): Do you think this requirement [statutory declaration] should be retained, regardless of what other changes are made to the gender recognition system?

Please explain the reasons for your answer.

	Total	Valid
Yes	57.1%	83.5%
No	11.3%	16.5%
Not answered	31.6%	-
<i>Respondents</i>	102,820	70,350

Over two-thirds (68.4%) of respondents answered this question, with the majority (83.5%) in favour of retaining the statutory declaration element of the gender recognition system.

There did not appear to be any significant variation in responses rates or patterns of responses to this question between the different UK countries (see Annex Table B13).

There was some variation in the level of support depending on the source of the responses. 96.6% responses received through Stonewall favoured retaining the requirement whereas responses received through the official government portal (69.5%) and from organisations (67.6%), although still supportive, were less likely to be in favour of retaining the requirement than those submitting via Stonewall (see Annex Table B14). The question was not included in the Fair Play for Women template or the Level Up form, and no responses to the question were received via these routes.

Organisational respondents (77.6%) were more likely to respond to Q6A than individual respondents (68.4%), but individual respondents were much more likely to be in favour of retaining a statutory declaration (83.6%), compared to 67.6% of organisations.

9.2 Question 6(b) – quantitative analysis

Question 6(b): If you answered yes to Q6(a), do you think that the statutory declaration should state that the applicant intends to “live permanently in the acquired gender until death”?

	Total	Valid
Yes	44.6%	47.2%
No	49.8%	52.8%
Not answered	5.6%	-
<i>Respondents</i>	55,780	55,480

Respondents who were in favour of retaining a statutory declaration were asked whether this declaration should be that the applicant intends to “live permanently in the acquired gender until death”. Most (94.4%) of these respondents answered this question, with responses fairly evenly split, with 47.2% in favour of this declaration wording, and 52.8% opposed.

In terms of location, respondents in Scotland were the most likely (62.8%) to oppose this form of wording, followed by 55.1% of respondents in England. Respondents in Wales and Northern Ireland were the least likely to oppose this wording (49.6% and 52.6% respectively) (see Annex Table B15).

There was some variation between different sources of responses. While 64.2% of those responding via official government channels favoured the statutory declaration wording, those responding via Stonewall were much less likely to be in favour (35.5%), which had a significant influence on the overall pattern of responses (see Annex Table B16). As with question 6(a), question 6(b) was not included in the Fair Play for Women template or the Level Up form, and no responses to the question were received via these routes.

There did not appear to be any significant differences between organisational and individual responses to this question.

9.3 Question 6(a) – qualitative analysis

Of those that responded “Yes” to this question, 38,640 made further comments. Of those that responded “No”, 8,490 made further comments. Respondents to this question commonly raised the following points in their responses.

Support for a quick and accessible process

Most respondents thought that the statutory declaration should be retained only if the process was simple, quick, cheap and accessible to everyone. They emphasised there should not be any additional evidence requirements, which could be a burden for applicants mentally and physically. Simplicity was often explained as meaning a low amount of bureaucracy and paperwork associated with completing the statutory declaration process. If there were barriers that stopped people applying, then it would exacerbate the turmoil for the individual.

“I can see the value in there being an element of bureaucracy in the process to protect trans peoples' status, so as long as the process is simple, low cost and entirely in the hands of the individual concerned.” (Individual online response - Stonewall)

Many of these participants likened the process to the one required for changing one's name by deed poll:

“Statutory declarations are common in many areas of life. I had to make one when I changed my name by deed poll. They allow pause for thought.” (Individual online response - Citizen Space)

There was also frequent reference to examples of countries where similar processes are in place and the effectiveness of those systems. Those most frequently mentioned were Norway, Ireland and Malta. Those arguing for a quick process pointed to these countries as examples, and suggested that lessons could be learned from them. However, there was little discussion about what time frame would be considered “quick”.

“This is a sensible approach, as long as it is the only requirement to get the Certificate and the process is quick, simple and low cost - like in Norway, Ireland and Malta.” (Individual online response - Stonewall)

“The process should be as simple as possible. A simple form, such as formless written application, where a person states their wish and intent to have their recorded gender information changed can be regarded as sufficient. This works well in for example Norway. It is important to think carefully about any potential barriers to gender recognition and remove any. A statutory declaration might further discourage those already marginalised from taking the step to apply for a Gender Recognition Certificate.” (Organisational online response - ILGA-Europe)

Provides seriousness/gravity to the issue

A strongly-voiced opinion was that the requirement for a statutory declaration provided seriousness to the GRC process and so should be retained. This was deemed a benefit, because it would dissuade people who, it was thought, might abuse the system if it was

less serious. People explained that having a legal declaration process made people think about their decision before applying, and may avoid people wanting to change their legal gender back.

“Applicants should be expected to affirm that they understand what they are doing and that they intend it to be permanent. This reflects the enormity of the decision and discourages frivolous or ill considered applications.” (Individual email response)

“We think that a statutory declaration is a fair way to ensure that applicants know that they are making a serious and important decision. Whilst we think that there should be no evidence required for a person to receive legal recognition of their gender, it is still important that an applicant knows that their declaration carries real-life consequences, and that they feel comfortable making the application in the context of it being a solemn and true declaration of their lived identity and future intentions. Requiring a statutory declaration will also mean that the process for changing your gender legally will reflect similar process used in Scotland that have legal consequences, such as changing your name.” (Organisational online response - Equality Network/Scottish Trans Alliance)

Difficult for people who are non-binary or gender fluid

A number of respondents stated that the declaration required under the GRA did not accommodate those that had fluid genders or did not identify as any specific type of gender. Some respondents stated that people may move between different genders, or may wish to identify as different genders at different times in their lives.

“Some people are sure of their acquired gender. Others of us aren't. I have lived with my birth gender for over 40 years. Now I realise I am trans, it will take me some time to work out exactly how far on the 'trans scale' I am. While I currently live as non binary, I realise that some day I may realise that isn't enough for me, and I need to transition fully to female.” (Individual online response - Citizen Space)

Positive way to self-identify your gender

A number of respondents thought that the process of declaration would be positive for individuals, as a form of legitimisation for the applicant being recognised within society for who they want to be. Respondents described self-determination as a principle, which they thought should be promoted in society, allowing people to choose who they want to be without having to justify themselves to any great extent. They thought allowing a statutory declaration process would help normalise the idea of self-determination for gender.

“Self determination should be done by statutory declaration, which allows the trans person to state that they choose to acquire [sic] the gender that reflects their identity. It is a personal matter and it should be down to the trans individual to state their gender rather than having to go, cap in hand, asking for the state to approve of their acquired [sic] gender.” (Individual online response - Stonewall)

Perceived risks of statutory declarations

A less frequently-raised opinion came from respondents that expressed concern around the legal aspect of the declaration. They were unsure if, after having made a declaration, one could change back, thinking there could be a penalty for someone who

changed their gender identity again at a later time. Others suggested that it amounted to the oversight of gender presentation by the state which was in contravention of human rights.

“As breaking a statutory declaration is a criminal offence, this requirement puts trans people at high risk of false accusations from those with transphobic attitudes, while again implying that outside observers can determine a person's gender better than they can themselves. As there is no coherent legal or social concept of non-binary gender, non-binary people would be at particularly high risk of such accusations.” (Individual online response - Citizen Space)

Some highlighted potential unintended outcomes where individuals might be exposed to legal risks that they had not accounted for with significant potential harm.

“Making a statutory declaration and then acting contrary to that declaration is a criminal offence and can result in fines, criminal records, and other financial and social costs. There is a significant risk here of trans people being accused maliciously by anti-trans individuals or groups. Furthermore, given that convictions for breaking a statutory declaration in gender recognition cases are almost unheard of both the UK and other jurisdictions with similar or more relaxed laws, it seems unlikely such mechanisms are needed.” (Organisational online response - BEIS London and South PCS Union Branch)

The wording of “until death” is excessive

Respondents had mixed views the wording “until death”. Many suggested that those who experience gender fluidity would be disadvantaged by this approach. Some assumed the wording came from a traditional marriage ceremony (“until death do us part”) and that religion should have no bearing on the process of legal gender recognition.

“As a Non-binary person, I've done a lot of research and reflection on my gender. At various points on this journey I've had different ideas about it. My understanding of gender has, and still is, evolving. I couldn't, with any level of honesty, declare that I am This Gender Until Death. And I don't think I should have to.” (Individual online response - Citizen Space)

Some of these respondents were cautious about the use of the wording but could see the value with regards to the previous theme on adding seriousness to the issue.

“While I believe the “till death” aspect of this goes slightly too far, I believe a statement of this kind is valuable” (Individual email response)

Wider themes

Some of the wider responses provided by respondents on this topic included:

- A concern that there should be a clearer set of implications for individuals if the declaration was to be broken
- The stress and anxiety that the process can create for applicants due to the length of time but also social stigma.

- The restrictions for applicants according to their age and characteristics and how this can impact upon mental health, especially for younger people.

9.4 Question 6(c) – qualitative analysis

Question 6(c): If you answered no to Q6(a), do you think there should be any other type of safeguard to show seriousness of intent?

Respondents who answered no to question 6(a) were asked, in the absence of a statutory declaration, whether they thought there should be any other type of safeguard to show seriousness of intent. Around 8,630 respondents provided a comment in response to this question.

Many respondents argued that they did not think that there should be any other types of safeguard to show seriousness of intent, with most respondents seeing engagement in the legal gender recognition process as enough of a commitment in itself. Respondents noted the time and “hassle” involved in compiling the necessary paperwork, as well as the risks and difficulties involved in being “out” in society, and suggested this was sufficient to show commitment and seriousness of intent.

A less frequently-raised opinion related to the consultation question itself, with some respondents suggesting that the wording – “safeguards to show seriousness of intent” – wrongly spoke to the idea that people had to prove that they are trans, or could not be trusted.

10. Question 7: Spousal consent

In order to obtain a full GRC, married applicants must have the consent of their spouse. If an applicant's spouse does not consent, the applicant may be awarded an "interim" GRC, which can be used by either party as grounds to annul the marriage. The interim GRC has no legal significance beyond this purpose.

This requirement was introduced following the introduction of same-sex marriage. Prior to that, it was not possible for GRC holders to stay in their marriages, since the marriage would in effect have become a same-sex marriage. The new requirement reflected the understanding that marriage is an agreement between two parties, both of whom should have a say in whether they want the agreement to continue in the case of a legal gender change of one of the parties. The interim GRC gives either party the possibility to annul the marriage, and the interim GRC holder to obtain legal gender recognition after the annulment of the marriage.

The Government wanted to use the consultation as a means of gathering evidence about the spousal consent requirement, from trans people themselves, their spouses and the wider public. This chapter provides an overview of the responses received to this question.

10.1 Question 7 – quantitative analysis

Question 7: The Government is keen to understand more about the spousal consent provisions for married persons in the Gender Recognition Act. Do you agree with the current provisions?

Please explain the reasons for your answer. If you think the provisions should change, how do you think they should be altered?

	Total	Valid
Yes	10.7%	15.1%
No	60.0%	84.9%
Not answered	29.3%	-
<i>Respondents</i>	102,820	72,730

When asked about the spousal consent provisions for married persons in the GRA, a total of 70.7% of respondents provided an answer to this question, with the majority (84.9%) indicating that they did not agree with the current provisions.

There was some variation in terms of location, with respondents in Scotland most opposed to the provisions (93.5%), compared to 84.7% of respondents in Wales (see Annex Table B17).

There was some variation between different sources of responses, with the vast majority of Stonewall respondents (99%) opposed to the provisions, which compared to around two thirds (67.8%) of those responses received through official government channels (see Annex Table B18). The question was not included in the Fair Play for Women template or the Level Up form, and no responses to the question were received via these routes.

There did not appear to be any significant variation between individual and organisational responses.

10.2 Question 7 – qualitative analysis

Of those that responded “Yes” to this question, agreeing with the spousal consent provisions, 8,070 made further comments. Of those who disagreed with the spousal consent provisions, 48,610 made further comments. The most commonly-raised points are discussed below.

The requirement reduces the autonomy of the trans person

A commonly-held opinion was that the spousal consent requirement presented a further obstacle, preventing a trans person from deciding their own identity, and implying ownership by their spouse. Some respondents appreciated that the matter relates to marriage as being a contract between two people, but still considered gender recognition a personal matter. Whilst spousal consent concerns the continuation of the marriage, many respondents felt that the spouse had no right to interfere with legal gender recognition:

“Forcing a married transgender person to gain the 'consent' of their spouse before they can receive their gender recognition certificate is demeaning. The current rule implies they are not their own person but are the responsibility of their spouse who can prevent them being recognised in law.” (Individual online response - Citizen Space)

“As a wife of a trans woman who has decided to transition gender within the course of our relationship I DO NOT agree that I should be asked for consent by my wife before she is recognised in her preferred gender.” (Individual online response - Citizen Space)

Some respondents stated that the overall gender recognition process was too invasive, with a spouse being just one of many stakeholders being involved, each with a power of veto. The spousal consent provision was seen by many of these respondents as an unnecessary intrusion into someone’s right to a private life. A less frequently-voiced opinion was that trans people had to justify themselves to so many authorities already, that any further hurdles such as spousal approval infringed upon the person’s human rights.

Difficulty leaving an abusive relationship

A commonly-voiced opinion was that the spousal consent requirement made it very difficult for GRC applicants to leave an abusive relationship, or that the relationship may become abusive because the trans person’s spouse does not support their decision to transition. Some respondents felt that the GRC applicant’s spouse could use the

spousal consent provisions to prevent their trans partner from changing gender as a form of revenge.

A smaller number saw the spousal consent requirement as a potential form of coercion to negotiate a more favourable divorce settlement, and/or child residence and contact arrangements. The following campaign response from NUS Women was frequently cited by individual respondents:

“Requiring trans people to gain the permission of their partner in order to legally change their gender allows abusive spouses to use their power to hold trans people’s identities hostage, potentially compounding other existing forms of abuse.” (Organisational email response - NUS Women’s campaign)

Spouses should be made aware, but not be required to give consent

Some respondents suggested that the spouse should provide evidence that they are aware of their partner’s desire to transition, but that they should not be allowed to veto the process. In cases where the spouses were not living together, respondents felt reasonable steps should be taken to locate the spouse to inform them.

“I think the spouse should have no control over the gender expression of the other, but MUST be notified of a spouse seeking a GRC, it cannot be secret as it directly impacts the spouse and children and dependents.” (Individual online response - Citizen Space)

Marriage is about both people in the relationship

Of those who agreed with the spousal consent provision, one of the main reasons given was that marriage is about both people within the relationship, and that both parties should have an equal say in changes to this relationship. It was felt that one party would receive priority over another if the spousal consent requirement disappeared from the gender recognition process. A large number of these responses included drew upon guidance produced by women’s groups such as Fair Play for Women and Woman’s Place UK, although many also raised the point independently:

“Of course they should have to give their approval if the marriage is to continue as a same sex marriage. And they should not be criticised for withholding consent or wanting a divorce. It is not just about the person wanting to change gender. When you get married or enter into a civil partnership, it’s no longer just about you, it’s about both of you.” (Individual online response - Citizen Space)

Many responses referred to the notion of “deception” by the trans person when the marriage took place and the possibility of the GRC applicant’s spouse being unaware of their spouse’s desire to transition. Other responses mentioned marriage as a partnership with shared vows and pointed out that the relationship need not necessarily have broken down.

Some respondents drew attention to instances where a spouse was unable to consent, because they were, for example, suffering from dementia or another condition, or could not be contacted altogether.

The very nature of the marriage is changed

A small number of respondents felt that one partner transitioning changed the nature of the marriage, and the spousal consent about the continuation of the marriage should remain. Along these lines, some focused on the “contract” of marriage, suggesting that if this is changed in any way, one partner should have the option to end the marriage. Some of respondents supported the current option of an interim GRC available in the period prior to ending a marriage.

This topic was picked up in more detail by some women's groups, particularly Fair Play for Women, who focused on keeping the annulment option for spouses married to a trans person, arguing that annulment was different from divorce. The option of annulment was also raised an important issue for those with religious beliefs which might preclude same-sex marriage or divorce.

Both trans and non-trans respondents highlighted that changing gender was a huge change to a relationship, and that the wishes and needs of the non-transitioning partner must be considered, as must the best interests of any children of that relationship. Comments made by respondents included:

“When I got married, my wife thought she was entering a marriage (i.e. a legal contract) with a man. With me transitioning to female, that has all changed. Now we are seen as a pair of lesbians which we are both happy about.” (Individual online response - Citizen Space)

“I feel if someone's spouse wants to change legal sex and their marriage converted from a heterosexual to a same-sex marriage and therefore their sexual orientation to seemingly change from heterosexual to homosexual they should retain the right to walk away and not be legally (or able to be emotionally) coerced into accepting that change.” (Individual online response - Citizen Space)

11. Question 8: The application fee

The application fee for the gender recognition process is currently set at £140. The fee has not changed since the introduction of the GRA. Applicants can apply for the fee to be reduced, if they have low income, savings and investments.

The cost reflects the fact that the gender recognition process is a public service that costs money to run. The income from fees does not currently cover the full costs of running the service. However, the Government is aware that the fee may be a barrier to access, particularly for lower-income applicants.

There may also be additional fees and costs associated with the application process, including the cost of medical reports, the cost of having an authorised person witness the statutory declaration, as well as travel and hotel costs for attending medical appointments.

The Government sought respondents' views on whether they thought a fee should be attached to the gender recognition process. They also asked respondents about other financial costs that may be associated with an application. This chapter provides an overview of these responses.

11.1 Question 8(a) – quantitative analysis

Question 8(a): Do you think the fee should be removed from the process of applying for legal gender recognition?

	Total	Valid
Yes	23.9%	58.5%
No	17.0%	41.5%
Not answered	59.2%	-
<i>Respondents</i>	102,820	41,970

Around two in five (40.8%) of respondents provided a response to this question, with 58.5% of these respondents in favour of removing the £140 fee from the process of applying for legal gender recognition.

There was some variation in responses by location, with respondents in Scotland most likely to favour removing the fee (68.9%), whilst those in Northern Ireland and Wales were the least in favour (56.5% and 57.9% respectively) (see Annex Table B19).

There was considerable variation depending on the source of responses. Only a small proportion of Stonewall respondents (4.6%) provided an answer to this question, with a majority of these (78.7%) in favour of removing the fee. The response rate for the Level

Up form¹³ was much higher (99.6%), with a majority of these respondents (86.5%) also in favour of removing the fee. Those responding via official government channels were much more evenly split, with 51.6% in favour of removing the fee (see Annex Table B20). This question was not included in the Fair Play for Women template and no responses to the question were received via this route.

While organisations were more likely to respond to this question (63.4%) compared to individuals (40.7%), there did not appear to be any significant variation between the two types of response.

11.2 Question 8(b) – quantitative analysis

Question 8(b): If you answered no to Q8(a), do you think the fee should be reduced?

	Total	Valid
Yes	31.1%	35.3%
No	56.9%	64.7%
Not answered	12.1%	-
<i>Respondents</i>	17,430	15,330

Respondents who thought the GRC application fee should be retained were asked whether they thought the fee should be reduced. Of the 87.9% who provided an answer, nearly two-thirds (64.7%) indicated that the fee should be *not* reduced from £140.

Due to small base sizes, it is not possible to draw firm conclusions about variation in responses between the four UK countries (see Annex Table B21).

There was considerable variation depending on the source of responses. While the majority (88.9%) of Stonewall respondents who wanted the fee to be retained thought it should be reduced, those responding via official government channels were more likely (66%) to oppose any reduction in the fee (see Annex Table B22). The question was not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

There was some variation between individual and organisational responses, with those responding on behalf of organisations more likely (47%) to be in favour of reducing the fee than individual respondents (35.2%).

¹³ The Level Up form used an alternative, simplified version of the original question 8(a) wording, which should be borne in mind when considering responses received through this channel (see Section 3.1.2.).

11.3 Question 8(c) – qualitative analysis

Question 8(c): What other financial costs do trans individuals face when applying for a Gender Recognition Certificate and what is the impact of these costs?

This question asked respondents about other financial costs trans individuals face when applying for GRC, and the impact of these costs. 28,330 made further comments. Respondents to this question commonly raised the following points in their responses.

Actual costs of legal gender recognition

A major recurring theme in the responses involved a comparison of the cost of the GRC, which costs £140, and other legal documentation, such as the fee for a marriage certificate (£10), a passport (£80), or a name change (£14). Respondents also pointed out that the cost of the GRC itself was not the only cost involved.

“Updated passport (£75) Letter from GP for passport (£25, required for change of gender marker) 2x Medical reports (£160 total, based on BMA guidelines) Statutory Declaration (£5) Travel to doctors/other service providers often required to get these in person (varies). While many trans people will already have some of these for everyday living, this comes to at least £405, including the £140 application fee.” (Individual email response)

While a number of the respondents suggest that the cost was too high, as compared to the other documentation listed, many respondents noted the cost of the of the GRC was relatively low when compared to immigration applications and naturalisation.

Costs are a barrier to applying for gender recognition

A strongly-voiced opinion was that the £140 GRC fee was especially prohibitive for individuals who were lower-income earners. Organisations supporting or representing young people, such as Barnardo’s, stated that this was particularly the case for young people. Suggestions were put forward that, while the administrative costs of the documentation were acceptable to some extent, the overall fee should consider the personal circumstances of each application to avoid the cost becoming prohibitive.

Another commonly-voiced opinion was that a fee to apply for gender recognition was important in that it made individuals think seriously about the decision that they were considering. Some respondents raised the concern that the system could be abused if the cost was too low. Some respondents even used this fact to argue that the fee should be higher:

“I think costs should be significantly more so that when an individual seeks gender recognition he/she will know that this is a major moment and that it is a big deal and hey [sic] should think about it before they are certain to apply for one.” (Individual online response - Citizen Space)

Wider costs of transitioning

A number of respondents noted that people transitioning have to buy a whole new set of clothes that matches their gender identity and presentation, which adds up to a substantial cost.

“Imagine right now that a fire had broken out at home, and your wardrobe had been completely destroyed. What would it cost to replace it? I'd suggest finding someone else who has a different gender presentation to your own and ask them the same question.” (Individual online response - Citizen Space)

Some respondents highlighted that having a social network of transgender individuals eases this burden, as they are able to experiment with different styles without having to “break the bank”.

Medical costs beyond the basic reassignment services offered by the NHS were also mentioned, including facial feminisation, laser hair removal, breast implants and genital reconstruction, which can be thousands of pounds. Some argued that, in light of these costs, the fee of £140 was low. Some mentioned the hidden costs for hormone replacement therapy:

“There are so many hidden costs for a trans person in the UK. Here is a list of a few: Prescription costs. Hormone replacement therapy is not a condition that qualifies a person to receive free prescriptions, despite trans people needing these prescriptions if their bodies no longer produce hormones naturally. This means there is a burden of monthly prescription costs for many people. In some cases more than one prescription may be necessary (e.g. oestrogen and a testosterone-blocker).” (Individual email response)

A number of respondents also highlighted the expense of travel. They noted that during transitioning, individuals might need to travel, often by public transport, at least two to three times to and from different medical centres and specialist gender clinics, before applying to a GRC. Sometimes individuals needed to travel across the country, and for some there was even travel outside the country. When individuals had no family or friends to stay with, they would also need to pay for accommodation.

“We know that trans people face many extra costs as part of their transition. This includes travel to Gender Identity Clinics. For a trans person living in Wales and needing to travel to London for appointments, the cost of travel and accommodation can be a significant barrier.” (Organisational online response - Youth Cymru)

“Currently in NI [Northern Ireland], due to the gender identity services no longer providing the necessary reports, people must resort to the private sector.” (Organisational email response - Alliance for Choice)

Some respondents also stated that the burden of travelling and the time involved in the administrative process was detrimental to their jobs, as they were required to take a substantial amount of time off work.

This argument of wider and hidden costs was supported by various organisational responses, including Equality Network/Scottish Trans Alliance. The Women's Equality Network, based in Wales, highlighted that the “spousal veto also has the potential of triggering divorce - another costly process”. Advance HE, a higher education organisation, highlighted further costs relating reissuing of degree certificates, student identity cards, bank details and tenancies.

Psycho-social costs

Some of the respondents highlighted that the costs of transitioning and applying for a GRC included psycho-social costs. They mentioned the emotional costs, distress arising from not being able to afford the documentation and related surgeries, as well as the costs of psychological therapy in all stages (before, during, and after). It was thought that the additional financial stress, particularly when someone was unable to afford the gender recognition and transitioning costs, may lead to deteriorating mental and physical wellbeing.

A less frequently-raised opinion, perceived as a hidden cost, was the societal burden that many trans people face both before and after gender reassignment. Respondents mentioned that there was a high risk of transgender individuals being ostracised from both their family and society at large, along with physical danger. They also noted that transgender individuals' job prospects tend to be reduced due to societal prejudice.

“The risk of being ostracised from society and family, not to mention the physical danger posed by bigots on a daily basis, is already a high enough price to pay.”
(Individual online response - Citizen Space)

Wider themes

A number of respondents raised some wider points about the cost of the GRC, these included:

- **No fee for those in a medical transition** – a less frequently-raised opinion was that if individuals received psychological and/or medical certificates, they should be able to apply for the GRC without cost.
- **Lack of knowledge about the costs** – a substantial number of participants indicated that they did not know about the potential costs and the impact of that increasing or decreasing the fee for legal gender recognition.

12. Question 9: Privacy and disclosure of information

A GRC does not rewrite a person's history. A person's previous legal gender (or the fact that they have changed their gender) may still be of relevance in certain circumstances, for example when running credit checks or background checks, calculating social security payments, investigating crime (committed in a previous legal gender) or for medical purposes.

Recognising that someone's decision to change gender, whilst potentially being of relevance for some purposes, remains a personal and private choice, the GRA introduced strong protections to uphold the privacy of those who have obtained a GRC or who have applied for one. Section 22 of the Act makes it a criminal offence for a person who has acquired information about a person's GRC in an official capacity to disclose it, when they do not have the consent of the GRC holder, except in limited circumstances.

As a result of these protections, as well as other data protection provisions, government departments and official agencies have arranged for the secure management of GRC holders' private data, ensuring that a person's gender history is only used where it is relevant.

The Government wanted to better understand how the privacy provision under the GRA (Section 22) worked in practice and whether or not it was effective at fulfilling its purpose – enabling the protection of the GRC holder's data, whilst recognising that some agencies and organisations may reasonably need to know about a GRC holder's gender history for certain, limited purposes.

This question asked for respondents' views on whether they thought the current provisions were adequate. The responses we received are analysed below.

12.1 Question 9 – quantitative analysis

Question 9: Do you think the privacy and disclosure of information provisions in section 22 of the Gender Recognition Act are adequate?

If no, how do you think it should be changed?

	Total	Valid
Yes	12.0%	26.6%
No	33.1%	73.4%
Not answered	54.8%	-
<i>Respondents</i>	102,820	46,460

When asked whether the privacy and disclosure of information provisions in Section 22 of the GRA were adequate, just under half (45.2%) of respondents provided an answer, with nearly three-quarters (73.4%) saying that they did not think they were adequate.

While response rates to this question in the different UK countries varied between 36.5% and 51.4%, there did not appear to be any significant variation in patterns of responses between countries (see Annex Table B23).

There was significant variation depending on the source of responses. All responses received via the Fair Play for Women template responded “No” this question, while those responding via official government channels were more evenly split, with 55.7% saying the provisions were not adequate, and 44.3% saying that they were. Only a small proportion (1.2%) of Stonewall respondents provided a response to this question, with around two-thirds (67.4%) saying that the provision was not adequate (see Annex Table B24). This question was not included in the Level Up questionnaire so no responses to the question were received via this route.

While individual respondents (45.1%) were less likely to respond to this question than organisational respondents (57.1%), there did not appear to be any significant variation between the two types of responses.

12.2 Question 9 – qualitative analysis

Of those that responded “Yes” to this question, thinking that the provisions of Section 22 are adequate, 660 made further comments. Of those that responded “No”, 31,440 made further comments. Respondents to this question commonly raised the following points in their responses.

Adequate but needs updating

Most respondents who thought that the provisions were adequate suggested that they were not being enforced as strictly as was needed in order to protect individuals from

being “outed”. Arguments about disclosure without consent were brought up here, giving examples of areas where that may happen. Respondents thought that disclosure could be necessary for legal or medical purposes, but not, for example, in the workplace.

“It’s adequate but it should be changed slightly. There is no need for an employer to know the gender history of an applicant, all qualifications and career history should be easily amended with a GRC to correct gender.” (Individual online response - Citizen Space)

Many organisations, but in particular trans organisations and trans-supporting organisations, felt that data breaches, which included, but were not limited to, breaches of Section 22 of the GRA, should be dealt with more effectively. They were especially concerned around issues of enforcement of Section 22.

“Mermaids has major concerns around the lack of enforcement of Section 22. There have been no convictions under Section 22 since its enactment and we submit that it is clearly therefore, not fit for purpose. Mermaids asks that the government prompts a national inquiry as to why this is the case.” (Organisational online response - Mermaids)

The relationship of Section 22 with the management of IT systems was a concern to some organisations:

“Section 22 is apparently unable to overcome the difficulty of IT systems that cannot completely obliterate a person's previous history. Some organisations, e.g. Companies House, just refuse to remove evidence of a person's previous name and title. More emphatic instructions should be issued to ensure that organisations, employers, clubs etc cannot rely on, for instance, the fact that they have an Intranet which is private, because it still allows others within that private system to see a person's unchanged record.” (Organisational online response - Gender Identity Research and Education Society)

Society should be protected

Another commonly-voiced opinion was that there was a need to balance the privacy of individuals with the welfare of wider society. Some felt the current provisions provided the right balance between both protection for society and privacy for individuals, and would not want to see reform of Section 22 for this reason. Others felt that any changes that increased the privacy rights of GRC holders would result in a loss of protections for wider society, particularly through perceived impacts on women’s rights. Some thought that with too much privacy, people who engaged with the legal gender recognition process could hide things that were illegal or ill-intentioned.

In a report submitted to the consultation¹⁴, Fair Play for Women underlined the above, stating a central fear that the GRC might provide a loophole, which could be used by men to have access to women and children, especially to access women's refuges. The 18,360 identical free-text responses through the Fair Play for Women template stated:

¹⁴ Fair Play for Women (2018) Supporting women in domestic and sexual violence services, Giving a voice to silenced women: evidence from professionals and survivors

“Birth sex should never be confidential when a male-born person is attempting to access a female-only space.” (Organisational online response - Fair Play for Women)

More clarity on current legislation

Some respondents felt that organisations dealing with data such as GP surgeries, job centres, and the DVLA needed a better understanding of the law, so they know when trans status should or could be disclosed. Some respondents had experiences of attempting to go through a system, such as the Job Centre or the NHS, and of having to wait longer than would otherwise be the case, with their details sometimes being disclosed even if they specifically asked for them not to be.

A smaller number of respondents also felt that anyone dealing with this information should have training to ensure that data was disclosed under the legal conditions that Section 22 sets out. Some respondents reported being asked for their GRC when they thought this was not necessary or unlawful. Some respondents felt that a wider societal understanding of data protection legislation, including Section 22 of the GRA, would be of benefit.

“Many times employers ask to see your GRC so do banks even job center [sic] staff DVLA passport agency etc and if you tell them that it’s a private document they will simply dismiss you or your applications demanding that they have a right to see it. It needs to be amended and made clear that this is a private document.” (Individual online response - Citizen Space)

The Solicitors Regulation Authority drew attention to the lack of clarity of the legislation:

“...the wording of section 22 is unclear and does not recognise the need of regulators such as ourselves to process information about people who identify as trans. This is of concern to us given that a breach of section 22 is a criminal offence and [we] suggest that the opportunity is taken to amend.” (Organisational email response - Solicitors Regulation Authority)

In addition to the calls for amending the exceptions, some thought that current developments in communication and media, such as the internet and social media, should be considered to inform change of Section 22.

“[Section 22(3)] does not, however, protect [transgender people] from the malicious or reckless behaviour of those who have obtained such same information in a non-official capacity. In the age of the internet and social media, we consider this a significant oversight.

There have been many well documented instances of transgender people being 'outed' on social media or having been targeted for their transgender identity. While transgender people are protected by the Equality Act 2010 from discrimination and by the criminal law, the broadening of section 22 would send a clear and unambiguous message of legal solidarity to the Trans community.

It is our view that section 22 be broadened to include anyone who intentionally and maliciously discloses a transgender person's protected information in public without consent.” (Organisational email response - Clyde & Co Ltd)

“Existing provisions do not protect people from being 'outed'/ deadnamed maliciously in the workplace, their community or online. The law should be amended to provide greater protection” (Organisational online response -LGBT Organisation)

Six-month time limit on data breach should be extended

Some respondents felt that the six-month time limit on reporting data breaches should be extended, with most pointing out that the individual may not find out about the breach straightaway. Merseyside Police suggested that extending beyond six months would help give “police sufficient time to gather evidence, and for CPS to consider if there are sufficient grounds to prosecute” (Organisational email response - Merseyside Police and others). Additionally, respondents expressed that the process of reporting breaches was not clear to them.

Some respondents suggested that the time limit was adequate, but only if it was set from the time that the individual found out about the offence instead of, currently, from the time the offence was committed. It was felt that it was unfair to impose this time limit, particularly given the sensitivity of the information that would be disclosed in the event of a data breach.

“There should not be a six month time limit on a charge being laid in court since the offence was committed. It should be a six month time limit from when the individual became aware of the offence.” (Individual online response - Citizen Space)

Privacy is a human right

A less frequently-raised opinion, and less directly relevant to the question, was that the privacy of trans people was being affected on a human rights level. This theme focused more on privacy as a human right than on the unlawful or unnecessary disclosure of personal data of GRC holders and trans people. These respondents saw the human rights in light of the wider society, and the protection of vulnerable groups.

“The law needs to protect trans peoples [sic] human right to privacy and family life.” (Organisational online response - UNISON West Midlands LGBT Group)

Wider themes

In addition to the main themes set out above, a small number of respondents commented on a number of wider issues:

- **Trans people in courts and prisons** – some individual and organisational responses mentioned that trans people are at extreme risk being outed in court or prison.
- **Multiple identities** – some were concerned about the ability to create multiple identities as a result of changes to privacy laws, and commit fraud.
- **Not qualified to answer** – A few respondents were unsure whether Section 22 was adequate, with some commenting that this question was better answered by people affected.

13. Question 10: Trans people's protected characteristics

Questions 10 and 11 asked about trans respondents' protected characteristics and how these might have affected their views on the gender recognition process, and also whether there was anything respondents wanted to tell the Government about how the current process affects those with protected characteristics. This chapter gives an overview of the responses to question 10.

The Equality Act 2010 is the key piece of anti-discrimination legislation in the UK. It protects people from less favourable treatment in the workplace, when in receipt of services and in wider society on the basis of the following "protected characteristics":

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When the Government has to make a decision about something, it needs to be mindful of how its decision might affect people with protected characteristics. It needs to pay due regard to the need to advance equality of opportunity, foster good relations and eliminate discrimination.

In order to come to an informed view about how changes to the GRA might affect the people for whom the provisions were designed, the Government included these questions in the consultation to better understand how the current process interacted with the various protected characteristics. They wanted to understand how people's views about what changes should be made to the GRA were influenced by their particular experiences of having a protected characteristic.

13.1 Question 10 – quantitative analysis

Question 10: If you are someone who either has, or would want to undergo legal gender transition, and you have one or more of the protected characteristics, which protected characteristics apply to you? You may tick more than one box. Please give us more information about how your protected characteristic has affected your views on the GRC application process.

	Total
Age	4.7%
Disability	3.2%
Gender reassignment	4.1%
Marriage	1.3%
Pregnancy	0.4%
Race	1.0%
Religion	1.3%
Sex	3.2%
Sexual orientation	5.1%
<i>Respondents</i>	102,820

This question was intended for trans respondents who had undergone or wanted to undergo legal gender transition. Respondents were asked to select as many options as applied, and overall around 330 different combinations of characteristics were provided. As there was no “None of the above” option, responses can only be presented as a percentage of all consultation respondents. Responses to this question were primarily used to provide additional context when analysing free-text responses to the following open-format part of this question.

In terms of location, across all countries, “Age”, “Disability” and “Gender Reassignment” were consistently the highest applicable protected characteristic (>2.6%) and, “Pregnancy”, “Race”, “Marriage” and “Religion” were the lowest among all characteristics (<1.5%) (see Annex Table 1B26).

In terms of campaign responses, question 10 was not included in the Level Up form or Fair Play for Women template so no responses to the question were received by these routes. Citizen Space respondents reported “Sexual Orientation” (12.7%) to be the highest with “Gender Reassignment” (9.0%) and “Sex” (8.2%) following, whilst “Pregnancy” (1.0%) was reported as the lowest. Stonewall respondents reported “Age” (6.9%) as the leading characteristic, with “Disability” (2.2%) and “Gender Reassignment” (2.1%) following, and “Pregnancy” (0.1%) and “Religion” (0.1%) being the lowest (see Annex Table B26).

The question was targeted at trans individual respondents, but also appeared to have been completed by some organisations and non-trans individuals.

13.2 Question 10 – qualitative analysis

8,300 people that answered any part of this question went on to make further a comment. The most commonly-raised themes are presented below, structured by each protected characteristic.

Age

There was a strongly-voiced opinion that lowering the age for gender recognition would help trans minors, because their identities are forged during youth and they need greater independence to determine their own gender identity. Respondents regularly stated that young trans people are not taken seriously.

Many respondents noted that the barriers facing all trans people were more prohibitive for young trans people. These barriers have been listed in other chapters, and include financial barriers and the gathering of paperwork for the evidence requirement. Another commonly-voiced opinion among these respondents was that the minimum age to obtain a GRC should be 16 (without parental consent), and available under 16 years old with parental consent. A smaller number of respondents called for the process of applying for a GRC to be made clearer to young people, so they can prepare for it before reaching the age of 18.

“My age means that although I applied for a GIC appointment shortly after turning 18, I am still waiting for this (I am nearly 20). It also means that as a student, I can't work full time and therefore have more difficulty earning the money needed for the process of applying for a GRC.” (Individual online response - Citizen Space)

Human rights and LGBT organisations in particular drew attention to the position of young trans people. They supported lowering the age to 16, and/or argued for a process for those under 16. Amnesty International cited the UN Convention on the Rights of the Child (CRC) requirement that children have the right to be heard, and that the:

“...right of the child to preserve his or her identity is guaranteed by the Conventions (Article 8) and must be respected and taken into consideration in the assessment of the child's best interests.” (Organisational online response - Amnesty International)

Mermaids, argued that 16- and 17-year olds should have easy access to legal gender recognition and that there should be a more streamlined process and with adjusted criteria for those under 16. The LGBT Foundation argued for self-declaration for those under 16 with parental consent.

“The test for independent competence should not be set too high to render it inaccessible to those under 16; it should only require that a CYP [child or young person] has a clear and settled understanding of their gender. Independent competence must not be used as a gateway to medicalising the LGR [legal gender recognition] procedure for those under 18 years old, but it is acknowledged that independent competence may need to be assessed by an appropriate professional for those under 16 years old.” (Organisational online response - Mermaids)

Stonewall highlighted a number of reports which noted the high level of bullying that young trans people experience. They argued that extending the GRA to younger people, with parental support, would increase their wellbeing:

“Access to legal gender recognition would improve children's well-being by allowing them to be recognised for who they are and protecting them from having their gender identity questioned or erased. And it would normalise trans identities from an early age and help children, young people, teachers and parents be more accepting.” (Organisational online response - Stonewall)

One LGBT organisation (Lesbian Rights Alliance) argued for a minimum age of 25, arguing that young people's identities take time to fully develop and get full understanding.

Some other points raised did not directly relate to the gender recognition process, such as, the complexity of navigating reassignment services when aged under 18, the issue of transphobia in schools, better resources to address mental health, and more LGBT+ education. The need for parental permission for a name change under the age of 16 was also mentioned as an additional barrier for young trans people.

A less frequently-voiced topic was concern around the situation of older people. Those respondents suggested older people were at greater risk of having their legal gender recognition impeded due to the required evidence being challenging to obtain. A few respondents felt that older trans people were more likely to be discriminated against than younger trans people, as society is more accepting of younger trans people.

“Older trans people are disproportionately likely to rely on formal services and paid help as they are less likely to receive informal support from family and friends. This means that older trans people may be at greater risk of having their access to legal gender recognition impeded by the opinions and beliefs of carers, support services, and residential home staff. The rights of older trans people, especially those living in residential homes or in receipt of domiciliary services, must be protected.”
(Organisational online response - LGBT Foundation)

Disability

A strongly-voiced opinion among respondents was that the process to obtain a GRC was hard to access for disabled people. The process of applying for a GRC was felt to be stressful and this related to a number of disabilities including, but not limited to, diabetes, post-traumatic stress disorder, and anxiety. Many respondents suggested that some disabilities could make the application process difficult to understand.

Many respondents felt that gender identity was often treated as a mental illness and that being trans should not be considered the same as being disabled. A few respondents drew attention to the reliance on care that some disabled people require, which made them vulnerable to instances of transphobia. Either situation was thought to result in additional barriers for disabled trans people in applying for a GRC.

“...disability which I have as a result of having a number of life altering, and somewhat life-limiting, health problems. And it is as a result of having disabilities that severely impacts, and indeed, stops me from being able to access the current

GRC process. As a result of this, any part of the process of medically transitioning including receiving a diagnosis of gender dysphoria must take all of these conditions into account...” (Individual online response - Citizen Space)

It was highlighted by a few respondents that disabled people were more likely to be unfit for work and the GRC application fees would therefore present a greater barrier. A few respondents also suggested that conditions such as attention deficit hyperactivity disorder (ADHD) make it challenging to gather proof that they have been living in their acquired gender. A less frequently-voiced opinion was that disabilities could complicate medical transition, and thus become a barrier to obtaining the medical evidence necessary to apply for a GRC. Related to this was the opinion of some respondents that their disability had been used as a means to deny them the right to identify as their acquired gender. Some respondents, as well as trans and LGBT organisations, suggested that some people with learning difficulties might find the process difficult to access.

Another key issue raised under this theme was that of autism. Respondents frequently suggested that a diagnosis of autism spectrum disorder (ASD) was used to excuse or explain away their gender identity, with the suggestion that they were not capable of making their own decisions about their gender identity. Another common response was that trans people with autism may be less confident in asserting their acquired gender for fear of the consequences of coming out as trans. A few respondents also stated that their autism had made applying for a GRC challenging and that reasonable adjustments would have benefited them. Some respondents felt that trans people were often expected to “overcompensate” while presenting in their acquired gender in order to be taken seriously, which could be more mentally and physically draining for people with autism.

“I am neurodivergent and have mental illnesses, which means that I find things such as long bureaucratic processes very difficult. This means that the GRC application process is inaccessible for me, as it is very complicated and time-consuming. Many medical staff, particularly those involved in gender-related healthcare, know little about what it means to be neurodivergent and mentally ill as well as trans, and often try to insist that people like me are trans because we are ill or neurodivergent, rather than our mental illnesses being exacerbated by transphobia and the stress of processes such as this.” (Individual online response - Citizen Space)

Gender reassignment

A strongly-voiced issue among respondents who selected the protected characteristic of gender reassignment was the lack of recognition for non-binary or fluid gender identities.

“As a non-binary person I have no way of applying for a GRC. There is no legal acceptance of my gender. According to the law, my gender identity does not exist. I do not exist. It makes me feel like I do not belong, like my contributions to society are unwanted and that I am being denied an integral part of myself.” (Individual online response - Citizen Space)

Many respondents stated that people often made assumptions that only certain types of people could be trans, and that this rendered non-binary people invisible. For these respondents, it was important to make gender recognition accessible to all trans people (including non-binary people), so that the GRC could support individuals to express their true selves.

Apart from calls to recognise non-binary identities, another, less frequently-voiced opinion was that the legal recognition should precede medical treatment as part of the gender reassignment process; and that there should be a simpler process for legal gender recognition after gender confirmation treatment, which might include hormones and/or surgery. Other respondents suggested that there should be no medical requirement for GRCs, such as a medical report that details hormone replacement therapy.

Marriage and civil partnership

The responses under this theme drew on viewpoints previously articulated in relation to the current requirement for spousal consent. Many respondents argued that spouses should be involved in the gender recognition process of their legal partner, but not have any control. Other respondents, on the other hand, suggested that the requirement of spousal consent felt regressive, and thought that the consent provision was unfair towards GRC applicants who were married.

“The key problem for me is the spousal veto and the power it gives to an abusive partner to add even more suffering to transition” (Individual online response - Citizen Space)

A common opinion expressed amongst some respondents was that spouses of GRC applicants have power, which made applicants fearful, for example, of being prevented from having access to their children. Respondents often suggested that the process to obtain a GRC was a barrier to marriage. Some respondents highlighted that they would not pursue marriage while the requirement for spousal consent remained a part of the GRC application process. For some it had an impact on the celebration of their marriage after the transition of one of the parties:

“We wish to remain married and want to resolve the inconsistency on our marriage certificate. We would like to be able to legally AND at an appropriate event, celebrate the continuation of our love and marriage. Getting the verification and certification has delayed this process considerably for us.” (Individual online response - Citizen Space)

Less frequently-raised, but associated points on this theme included consideration of two trans people wanting to get married in their correct genders, which was even more complicated, and the fact there was no provision for non-binary people to marry in a legally-recognised non-binary gender. Some respondents suggested that a marriage certificate should reflect both the individuals' gender identities and their sexual orientation. Respondents highlighted the further complexities for those in a civil partnership, as their civil partnership had to be dissolved due to the GRC process. Respondents also suggested that confusion could result when a marriage occurred in another country, which might have implications for a spouse's residence rights.

Pregnancy and maternity

A strongly-voiced opinion amongst respondents was that trans parents were not accurately recognised on their children's birth certificates, regardless of the trans parent having been able to obtain a GRC. Many respondents mentioned the link between their trans status and having children. They thought that the medical process could have an impact on their future ability to have children, which means they may want have children before any (medical) transition process. A smaller number of respondents also felt that having children could be a reason not to opt for applying for a GRC application altogether, or to delay applying until well after any possible pregnancy.

A common opinion amongst respondents was that pregnancy benefit provisions should be available to pregnant persons who are not women.

“The expectation of receiving treatment and going through ‘real life experience’ makes it significantly more difficult for people who are able to bear children. It is not clear how pregnancy would fit in with real life experience for a trans man or nonbinary person, but for most it would mean delay to the process.” (Individual online response - Citizen Space)

Some respondents commented that motherhood should not be trivialised, and the use of gender-neutral pronouns in relation to pregnancy and maternity would not be appropriate.

Race

A strongly-voiced opinion amongst respondents was that social discrimination towards trans people was exacerbated in black and minority ethnic communities due to cultural differences. Respondents felt that family members did not recognise their experiences as valid, which lead to mental health problems. A smaller number of respondents also reported experiences of not receiving community support if they were of mixed racial heritage. All these circumstances contributed to limiting their opportunities to obtain a GRC.

“I would say that having grown up with a lot of discrimination and as a result, many deeply repressed thoughts and ideas, and as a trans person myself, I find that changing the GRA is very important to me. My personal experiences of discrimination, especially that which makes trans people ashamed or afraid of who they are, makes me want to reduce even a little bit of that discrimination by making access to gender recognition easier.” (Individual online response - Citizen Space)

Another common issue raised among respondents was that non-binary identities were not recognised in some cultures, which presents an additional barrier to individuals within these communities.

Religion or belief

A strongly-voiced opinion amongst respondents, in many cases regardless of their own beliefs, was that religion should not influence the law, nor should it be an excuse for discrimination.

Some respondents reported that they had been excluded from their religious communities due to their trans status. It was suggested that religion itself, in this regard,

was prioritised over the people within its congregation. Respondents felt that there were instances of ignorance and prejudice towards trans and non-binary people within religious communities, resulting in negative experiences. Subsequently, respondents regularly stated that they felt that their religious belief had been a hindrance to the GRC application process, with there being a conflict between their gender and religious identity.

Other respondents, on the other hand, reported a more positive reaction from their religious communities and said that this had made their experiences of transitioning easier. However, some respondents expressed concern that they were unable to get married in their place of worship without having a GRC confirming their gender.

Sex

A common point raised by respondents was that the Equality Act 2010 does not provide an explicit legal recognition for intersex people. Some intersex respondents felt discriminated against on the grounds of their sex, as they were not able to exercise their choice around sterilisation in infancy or childhood.

A different perspective, expressed by some respondents, raised concern with distinguishing an individual's identity based only on their genitals or their (gendered) appearance.

Respondents highlighted that being trans and changing one's legal gender does not erase previous life experiences, which creates barriers for people. A few respondents suggested that trans individuals assigned male at birth had more challenging transitioning experiences.

A few respondents who identified as transsexual felt that they were being undermined by some transgender individuals, seeing their experiences as different. They argued that simplifying the GRC application process could have a detrimental effect on their status.

“Giving self-identity rights without checks and balances and given I know there are people who would use it for sexual purposes to gain access to women concerns me as it will put me at risk. It also undermines me as a transsexual woman, people do not understand us (transsexual people) now, this will justify some people's belief that gender reassignment is a whim.” (Individual online response - Citizen Space)

A number of respondents addressed the difference between physical sex characteristics and gender identity, stating that these were not aligned for them.

Sexual orientation

A strongly-voiced opinion amongst respondents was that having a heterosexual orientation was a pre-requisite for transition, potentially assuming that the requested (normative) presentation in the acquired gender involves heterosexuality. Respondents regularly reported that they felt their sexual orientation presented a barrier in the GRC application process.

Another commonly expressed opinion was that service providers did not always understand the difference between gender identity and sexual orientation. There is a common expectation that all trans people are heterosexual.

“My protected characteristic only hindered me applying to be referred to the gender clinic to start the process of my transition because I did not understand you could be gay/lesbian and be trans or that people would accept me being trans because I still liked men. But it should be known that gender and sexuality are not the same and you can be trans regardless of sexual orientation or any of the other characteristics listed above.” (Individual online response - Citizen Space)

A common opinion among individuals who identified as non-binary was that sexual orientation presented a challenge in relation to the assumptions made about them. Bisexual trans respondents also highlighted instances of prejudice and felt that their gender identity was not considered to be valid. Some respondents who asserted that they presented in a gender non-conforming way (connected to their sexual orientation) felt that they would be penalised during the GRC application process. They thought that assumptions would be made based on their mannerisms, choices of clothing, and perceived lack of dysphoria.

A few respondents felt that their trans status was a reason they were being excluded from groups that provided support to people on the topic of LGB issues and sexual orientation. A small number of asexual respondents also raised the issue of their sexual orientation being perceived as a hormone imbalance, which had affected their transitioning process and GRC application.

14. Question 11: Impact of the GRC application process on people with protected characteristics

Question 11 asked respondents about their views on how the GRC application process affected people who have a protected characteristic. Unlike question 10, which specifically focused on trans people’s individual experiences, question 11 was open to all respondents and sought a wider range of views, such as from those working for organisations working with particular groups of people.

Question 11 – qualitative analysis

Question 11: Is there anything you want to tell us about how the current process of applying for a GRC affects those who have a protected characteristic?

The question received 38,280 responses. The themes that emerged from these answers are listed below by protected characteristic. Many of the points raised reiterate those set out in the previous chapter.

Age

A strongly-voiced opinion among many was that young people were often aware of their gender identity from an early age, and that steps should be taken to ensure all these children were comfortable, respected and affirmed in their identity, which could include legal gender recognition at an earlier age than is currently available.

“Young trans people who are 16 and 17 years old should be able to apply for a GRC as they will be entering the workforce or further education and should be able to have the GRC and the protection it provides in the same way any adult would. Those under 16 should be able to apply within a parental consent model.” (Individual online response - Citizen Space)

Some respondents felt that 16- and 17-year-olds should be allowed to legally change their gender in the same way that those over 18 currently can, and that there should also be a process for trans people under 16 to legally change their gender with the consent of a parent or guardian.

“The main protected characteristic that affects our service users is the Age protected characteristic. With the young trans and non-binary people that we help and support, they are excluded at the moment from the GRC process. This can result in them being mis-gendered and outed at school or at work. We believe that 16-17 year olds should have access to the same recognition, helping those starting full-time work or further education in their true gender.” (Organisational online response - METRO Charity)

A strongly-voiced opinion by others, however, was that transitioning is a major life event that has long-term repercussions and there is a danger that people under 18 might make

decisions they later regret. Many respondents that took this view were concerned that children might make decisions based on pressure from adults, or that they might not understand the long-term consequences of their decision.

“For example, when I was a child I desperately wanted to be a boy. Once I reached puberty that desire disappeared. If my confusion had occurred in the current climate I might have opted for gender reassignment which I later regretted.” (Individual online response - Citizen Space)

The mismatch between different documentation for young trans people was also raised by some respondents. Trans children and young people who are living according to their acquired gender (e.g. attending school in that gender), and have often obtained passports in their gender, will continue to have a birth certificate that conflicts with their other social documentation. A few respondents also noted additional barriers that young people face in the gender recognition process, including the associated fees, as mentioned in previous chapters.

As with the previous question, a few respondents argued that older people were more likely to experience hindrances to obtaining legal gender recognition in the current system.

Disability

A strongly-voiced opinion among respondents was that the current GRC application process was inaccessible for disabled people as they may have difficulties accessing medical information and evidence, as well as navigating the procedure.

Respondents felt that it should be acknowledged that people with disabilities could be denied access to parts of gender transition because they are not considered to be “suitable” candidates. Reasons may relate to mental health, chronic illness or physical disability. The process was seen as particularly daunting for individuals who have learning disabilities and/or mental health issues.

Gender reassignment

Some respondents suggested it would be helpful to have a protected characteristic of “gender” in the Equality Act 2010, in addition to “sex” and “gender reassignment”.¹⁵ This view seemed to be due in part to respondents thinking (incorrectly) that the protected characteristic of “gender reassignment” did not cover trans people who had not, or did not intend to, medically transition. Those respondents who supported reform regularly stated that gathering the “evidence” of living in their acquired gender meant outing themselves to some of the providers of that evidence, which they thought may constitute discrimination under “gender reassignment”.

Some respondents expressed concern that, because they present as “queer” (i.e. not conforming to, or blending, stereotypical gender presentations), this may be misconstrued by medical professionals on whom they depend for obtaining medical evidence, or the Gender Recognition Panel, who they feared would not consider them eligible for a GRC. The GRA requirement of living in the acquired gender for two years is constituted through paper documentation rather than an assessment of real-life gender presentation. Nevertheless,

¹⁵ In UK law, the terms “sex” and “gender” are not defined, and often used interchangeably to mean the same thing.

some respondents felt the need to emphasise that the requirement negatively affected people who were gender non-conforming, gender fluid or non-binary.

Some respondents expressed that the GRC process was overly onerous for those who had already undergone gender reassignment. A few respondents who identified as transsexual, as opposed to transgender, expressed unhappiness as they felt that simplifying the GRC application process would delegitimise their identities.

“Transsexuals needing medical support are voicing concerns about the self ID impact on them, but are dismissed and referred to as truscum¹⁶, by other trans people who are pushing the Self ID agenda for their own purposes, when the GRC was put in place FOR those who suffer from gender identity disorder.” (Individual online response - Citizen Space)

Marriage or civil partnership

Many respondents who supported reform suggested that the process was more involved and difficult for those in a marriage or civil partnership due to the rules relating to spousal consent. Respondents stated that applicants in a civil partnership (currently only available to same-sex couples) were required to end their civil partnership unless both partners received a GRC on the same day. Another option was to convert their civil partnership into a marriage.

A number of respondents raised the point that, in the absence of legal recognition, non-binary people were unable to marry or enter into a civil partnership in their true gender identity. To them, it felt that non-binary people were forced to falsely declare a binary gender.

“Marriage has changed for LGB people in line with equality acts but remains problematic for the Trans and non-binary definitions of gender.” (Individual online response - Citizen Space)

Concerns pertaining to the religious implications of divorce were raised by a few respondents, particularly where the ex-spouse of someone applying for a GRC would be unable to remarry, due to divorce not being recognised in their community.

Pregnancy and maternity

A strongly-voiced opinion among respondents was that trans men should not have to be registered as the “mother” on their child's birth certificate. Respondents felt that this could easily be changed by using gender neutral language such as “birth parent” for *everyone* (not as an exception for trans men and non-binary people).

It was also commonly expressed by respondents that trans men with the protected characteristic of “pregnancy and maternity” may face a legal contradiction due to the incongruity between the GRA and laws relating to fertility, childbirth, maternity and paternity.

With regard to the legal gender recognition process, a few respondents expressed the concern that trans men’s pregnancies could be used against them. They thought that the

¹⁶ “Truscum” is a term used (frequently in a derogatory manner) to refer to someone who believes that only those who have gender dysphoria and desire a binary medical and surgical transition are transgender. The term is being reclaimed and some people actively identify as truscum.

pregnancy would prevent them demonstrating that they have lived in their acquired gender, which they would need to do in order to obtain a diagnosis of gender dysphoria, and, subsequently, a GRC.

“I have a friend who is a trans man, who gave birth to his children. He was asked a lot of intrusive and unnecessary questions about how he could carry children, give birth, etc, while still being a 'real' trans man. This was incredibly unfair and invasive.” (Individual online response - Citizen Space)

Some LGBT and trans organisations saw the current legislation as complex, for example:

“This means that even if a trans man has legal gender recognition, if he gives birth to a baby he has to be legally recognised as that baby's mother. This is outlined in Section 12 of the GRA, which states that 'the fact that a person's gender has become the acquired gender under this Act does not affect the status of the person as the mother or father of the child'. ... The current provision puts unusual strain on the relationship between that parent and child.” (Organisational online response - LGBT Foundation)

Race

Some respondents stated that trans who have a 'BAME' (Black, Asian, Minority Ethnic) background were more likely to experience discrimination under a variety of protected characteristics, including societal racism. Respondents also suggested that some ethnic communities were more likely to use one head of household on all utility contracts, making the accumulation of evidence necessary for the GRC application difficult for those trans people living in these households. Some respondents were unhappy that trans people who had updated their birth certificates in countries outside the European Economic Area needed to reapply at full cost to gain recognition in the UK.

Some of those who supported reform of the GRA pointed out that the binary nature of gender under the current process was at odds with the existence of third genders that exist in some cultures.

A few respondents also highlighted that the complex evidence requirements were likely to disproportionately exclude migrants, asylum seekers, people who have lived overseas, and those who did not speak English as a first language. Respondents noted that this included trans asylum seekers entering the UK who had fled their country of origin due to experiencing or fearing persecution due to their gender identity. They were concerned that asylum support services or detention centres would not assign trans asylum seekers to accommodation in keeping with their acquired gender, as they had no (British) legal gender recognition.

This theme in particular was picked up by a number of (national and international) trans organisations who stressed the particular challenges and vulnerabilities that refugees and asylum seekers faced.

“Trans asylum seekers may be housed in asylum support accommodation or detention centres that don't match their gender identity, due to arriving in the UK with identity documents from their country of origin that reflect their assigned sex at birth. They may have been unable to change their documents due to a process not existing, or because they would have faced discrimination and harassment for doing so. It is therefore vital that asylum seekers in the UK are able to access the legal gender recognition process,

as this may assist them in being housed correctly and in obtaining documents in the UK that reflect their identity and not the information on their documents from their country of origin.” (Organisational online response - Equality Network/Scottish Trans Alliance)

Religion or belief

A few respondents suggested that the desire to transition may be linked to faith-based or institutional homophobia, or to oppressive faith-based or institutional gender roles. They argued that where religion was a factor in transitioning, this should be part of the evaluation of whether transitioning was the right step.

With regard to legal gender recognition, some groups also raised concern about religious spaces that were segregated by sex.

Sex

Some respondents drew attention to the lack of provision within the Equality Act 2010 to consider those individuals who are intersex, and those who identify as non-binary. Respondents suggested that the lack of protection for these characteristics was a form of discrimination.

“Non-binary and intersex people cannot be correctly recognised. This is destroying lives and must change.” (Individual online response - Citizen Space)

A few respondents pointed to the importance of medical screening that was particular to a single sex, like cervical screenings, mammograms and prostate examinations. They argued that having GRC should not prevent trans individuals to continue accessing the appropriate services.

“Trans men also face much discrimination because of their desire to have children, and currently while services for example cervical screening and prostate examinations are trying to be more accessible, more work needs to be done.” (Individual online response - Citizen Space)

Sexual orientation

Respondents regularly pointed to assumptions they heard in society or in their surroundings that people transition due to being homosexual. These respondents felt they were negatively affected by this inaccuracy, and stressed that sexual orientation and gender identity were unrelated. Under this protected characteristic, respondents also expressed concern about negative stereotypes relating to homosexuality, particularly in the healthcare sector, which may also influence some people’s decision to apply for a GRC.

15. Question 12: Equality Act 2010 and the sports exception

The Equality Act allows organisers of sporting competitions to restrict the participation of trans people if necessary to uphold fair competition or the safety of competitors. This exception only applies to sports or other competitive activities where the physical strength, stamina or physique of average people of one sex would put them at a disadvantage compared with average people of the other sex.

When launching the consultation, the Government said that it did not intend to amend the Equality Act. The Government's understanding of the sport exception is that it can be applied to everyone who has the protected characteristic of gender reassignment, including those who have changed their legal gender as well as those who have not. The Government's view at the outset of the consultation, therefore, was that the operation of the sport exception would not be affected by changes to the GRA.

Some people have disagreed with the Government's interpretation of the exception and whether it can be applied to people who have changed their legal gender. Others have raised concerns about how and when organisers can use the exception and whether clear enough guidance is in place to assist in making decisions.

In order to ensure that the exception can continue to function as originally intended, the consultation included a question about its operation and sought respondents' views on whether they felt it would be affected by changes to the GRA. This chapter provides an overview of the responses received.

15.1 Question 12 – quantitative analysis

Question 12: Do you think that the participation of trans people in sport, as governed by the Equality Act 2010, will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	33.4%	71.7%
No	13.2%	28.3%
Not answered	53.5%	-
<i>Respondents</i>	102,820	47,830

A total of 46.5% consultation respondents provided an answer to this question, with the majority (71.7%) agreeing that the participation of trans people in sport would be affected by changing the GRA.

There was some variation in responses by location, with respondents in Northern Ireland most likely (85.6%) to agree that participation of trans people in sport would be affected by changes in the GRC, compared to 75.1% of respondents in England (see Annex Table B27).

There was significant variation depending on the source of responses. All responses received via the Fair Play for Women template responded “Yes” this question, while those responding via official government channels were more evenly split, with 54.6% saying participation would be affected, and 45.4% saying that it would not. Only a small proportion (1.4%) of Stonewall respondents answered this question, with nearly three-quarters (72.4%) saying they did not think participation would be affected (see Annex Table B28). This question was not included in the Level Up form, so no responses to the question were received via this route.

There was significant variation between individual and organisational responses, with individual responses more likely (71.9%) to say that the participation of trans people in sport would be affected by changing the GRA, compared to 43% of organisations (see Annex Table B28).

15.2 Question 12 – qualitative analysis

Of those that responded “Yes” to this question, 31,330 made further comments. Of those that responded “No” to this question, 7,200 made further comments. The main themes that emerged are discussed below. A large number of respondents, many of which drew on the guidance produced by Stonewall, noted that, as the Government was not proposing to amend the Equality Act 2010, no impact should be expected. While the consultation question focused strictly on the Equality Act 2010, many respondents provided answers that addressed wider issues, a short summary of which is provided below.

Many respondents made a distinction between the law and the governing bodies in sport, with the latter providing the rules for trans people’s participation. Respondents who recognised this separation of legal and regulatory roles came from both those who answered “Yes” and those who answered “No” to this question. Further themes emerged from the responses, with a number of respondents who answered “No” choosing to focus in particular on the experiences of trans people in sport. Many of those who answered “Yes” focused on the potential impact on participation in women’s sport. A few respondents raised the topics of intersex participants, non-binary participants and trans men.

Attitudes to current legislation

Whilst recognising that amending the GRA would not have an impact on legal and regulatory provisions, a number of respondents expressed views on these extant provisions, including the current Equality Act. These opinions ranged from support for the exceptions in the interests of fair competition and competitor safety, to viewing the

regulations as “transphobic”, and the feeling that the medicalised means through which regulations were implemented (for example through medical testing regimes) resulted in a loss of dignity for trans participants. As two organisational responses noted:

“There is an important balance of rights and safeguarding to consider in SPA [Sport and Physical Activity] participation, and a balance of fairness and safety to consider in competition, which must be debated in the context of trying to achieve the overall goal that everyone in our nation should be able to access SPA and have a great experience when they are doing so.” (Organisational email response - Sport England)

“Under the EA 2010, fair competition and the safety of competitors (and not possession of a GRC) will be the critical considerations to determine if gender reassignment discrimination is permitted. The lawful operation of this exception will still depend on a fair and reasonable assessment by responsible bodies, applying the above-mentioned factors on the relevant evidence on a case-by-case basis, and not on prejudices, unwarranted assumptions and stereotypes.” (Organisational email response - Equality and Human Rights Commission)

A number of respondents observed that many trans people already participate in non-professional, community sport, and thought that any amendments to the GRA would have little impact on this participation. A few respondents further noted that disclosing a person’s gender history was often irrelevant at this level of participation, viewing it as unnecessarily intrusive:

“I think for the vast majority of club players and amateurs it is fine for trans people to be able to self-determine where and with whom they play or participate in sport. Trans people have in fact been taking part in both individual and collective sport for years, so I think science and indeed ordinary players or participants, cis and trans, are actually far more relaxed and way ahead of the law on all of this.” (Individual online response - Citizen Space)

A number of respondents observed that the policies of governing bodies can have an important influence on how welcome trans people feel, taking into account their awareness and potential use (or lack of use) of the Equality Act exception. In their organisational response, Gendered Intelligence noted that British Cycling and UK Cycling have policies that are more inclusive than the recommendations of their international governing bodies. The England and Wales Cricket Board in their organisational response stated that reforms to the GRA would not have an impact on their trans inclusion policy:

“ECB wishes cricket to be open to as many people as possible in England and Wales and has recently approved a Trans Participation Policy to support and uphold this ambition. This policy does not use GRCs at any point in determining eligibility to participate in cricket and therefore ECB does not consider that changes to GRA to improve services to trans and non-binary people would adversely affect participation in cricket.” (Organisational email response - England and Wales Cricket Board)

Impact on trans people's participation in sport

A number of respondents suggested that changes to the GRA could have a positive impact on trans people's participation in sport. Some of these respondents suggested that the increased visibility and validity given by a GRC could empower trans people to participate, and, if necessary, stand up against governing bodies. Other respondents felt that the GRA could have a negative impact by giving sports organisations more reason to exclude trans participants.

However, a more commonly-voiced opinion was that actions beyond changes to the GRA were needed in order to increase trans participation in sport, suggesting that sporting environments could be hostile and unwelcoming environments to trans people.

In their responses, Sport England and the Sport and Recreation Alliance suggested that limited expertise with trans issues is a key factor which hinders trans inclusion, and probably as such influences the operation of the Equality Act exception. They recommend that, regardless of GRA reform, the Government should issue guidance to sports organisations on trans inclusion.

Impact on women's sport

Although not strictly relevant to the question, there was a strongly-voiced opinion that women's sport would be affected as a result of changes to the GRA. Respondents answering "Yes" frequently suggested that there would be a negative impact for women who were not trans. Counter to this, respondents answering "No" frequently suggested that claims of a negative impact on women's sport as a result of GRA reform was based on incorrect assumptions. These responses closely match a number of areas of disagreement on facts, as well as opposing viewpoints, that are often expressed in public debate. For example:

- Many respondents claimed that trans women have physical advantages in women's sport, while many other respondents cited studies which concluded that physical advantages were nullified by hormone treatment.
- Many respondents cited international cases where trans women have achieved success in women's sport as evidence of unfair physical advantage, while some other respondents suggested that trans women winning in competitions are a small proportion of all trans women playing sports.
- Some respondents suggested that cisgender males could fraudulently use a GRC to participate and gain success in women's sports, while some others suggested that existing exceptions would filter out such people.

A list of recommendations provided as part of the guidance produced by Woman's Place UK was used by many respondents, which asked for an independent review of the Equality Act exceptions relating to sports.

Impact on trans men

Some respondents addressed the impact of the GRA on trans men, and many of those who did suggested that the impact was different on them than on trans women in women's sport, as the issues of perceived physical advantages were thought not to apply. Respondents suggested that as disproportionate attention was paid to the

physical advantage of trans women athletes, it was often forgotten that trans men still faced many barriers and exclusion from participating in sport, as noted above.

Impact on non-binary participants

Some respondents raised the issue of non-binary participants, with many of these suggesting that changes to the GRA would have little impact, because official documentation would still identify them as either male or female. A few respondents also suggested that, even if non-binary identities were to be recognised through a GRC process, there would be barriers to non-binary people participating in sports, which were often based on binary gender models – a challenge that was also recognised in some organisational responses. Respondents suggested that if the GRA were to recognise non-binary gender identities, this would at least put the topic on the sports inclusion agenda. The Proud Trust addressed non-binary, as well as intersex people in sports, as follows:

“If non binary identities are recognised and if the natural variance of genitalia/chromosomes and hormones is recognised, we need new policies that help sport (competitive and non) navigate this.” (Organisational online response - Proud Trust)

Variation of sex characteristics (intersex) in sport

The participation of people with variations of sex characteristics (intersex) in sport was mentioned by some respondents. They addressed, though recognising that it was not linked to the GRA, that the testing of hormone levels had been used to exclude intersex participants from competitive sport. The case of Caster Semenya was cited by some respondents as an example of a lack of fairness and dignity received by athletes and sports players who have a variation of sex characteristics or are intersex.

16. Question 13: Equality Act 2010 and the single-sex and separate-sex services exception

The Equality Act allows service providers to offer separate or differing services to men and women, or services to one sex only. For example, a domestic violence refuge may offer its services only to women. The Act also allows service providers to exclude a person with the protected characteristic of gender reassignment from a single-sex or separate-sex service, provided that doing so is a proportionate means of meeting a legitimate aim – in other words, where the service provider can demonstrate that there is a very strong reason for doing so. This can only be decided on a case-by-case basis, considering the needs of both the individual trans person and other service users.

When launching the consultation, the Government said that it did not intend to amend the Equality Act. The consultation document stated that service providers would still be able to exclude trans people from single- or separate-sex services in certain circumstances, and that this could also apply to someone who had changed their legal gender and was in possession of a GRC. The Government’s view at the outset of the consultation, therefore, was that the operation of the single-sex exception would not be affected by changes to the GRA.

To ensure that the exception can continue to function as originally intended, the consultation included a set of questions on its operation and sought respondents’ views on whether they felt that it would be affected by changes to the GRA. This chapter provides an overview of the responses received.

16.1 Question 13(a) – quantitative analysis

Question 13(a): Do you think that the operation of the single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	33.5%	39.8%
No	50.6%	60.2%
Not answered	15.8%	-
<i>Respondents</i>	<i>102,820</i>	<i>86,540</i>

A total of 84.2% of consultation respondents provided an answer to this question, with 3 in 5 (60.2%) of these saying that single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 would *not* be affected by changing the GRA.

There was some variation in responses by location, with respondents in Scotland (67.3%) and England (62.2%) more likely to believe that these exceptions would *not* be affected, compared with respondents in Wales (54.5%) and Northern Ireland (50.9%) (see Annex Table B29).

There was significant variation depending on the source of responses. All responses received via the Fair Play for Women template responded “Yes” to this question, while those responding via official government channels were more or less evenly split, with 50.6% saying the exceptions would be affected, and 49.4% saying they would not. Of the 93.4% of Stonewall respondents who responded to this question, the vast majority (98%) said that the exceptions would *not* be affected (see Annex Table B30). This question was not included in the Level Up form, so no responses to the question were received via this route.

There was some variation between individual and organisational responses, with organisations more likely (72.7%) to say that the exceptions would *not* be affected by changing the GRA, compared to 60.1% of individual respondents.

16.2 Question 13(a) – qualitative analysis

Of those that responded “Yes” to the question, 30,970 made further comments. Of those that responded “No” to the question, 25,510 made further comments. Key themes that emerged from the free-text responses are discussed below.

Spaces for women

A large number of respondents, predominantly those who answered “Yes” to this question, expressed concern that any changes to the GRA could compromise the availability, accessibility and safety of women’s only spaces. Key concerns raised included:

- **Men posing as trans women** – respondents expressed a fear that men would pose as trans women in order to access women’s spaces. A large number of respondents perceived that any changes to the GRA would make it easier for men to access these spaces, and more difficult for women using these spaces to challenge them.
- **Women uncomfortable sharing space with trans women** – respondents expressed concern that some cisgender (not trans) women may not feel comfortable sharing spaces with more trans women. It was perceived by a number of respondents that this could be particularly true for women who had experienced violence from men, women from specific religious communities, and older women.
- **The influence of the presence of trans women** – respondents suggested that that fewer non-trans women would make use of single-sex and separate-sex services and spaces as a result of more trans women being present.

- **Fear of accusations of transphobia** – concerns were expressed that challenging the presence of trans women in women’s spaces could result in accusations of transphobia. Respondents suggested this would make it more difficult to call out men posing as trans women in order to gain access to women’s spaces.
- **The applicability of the Equality Act exceptions** – there were concerns that current exceptions are not being used in practice, not being correctly applied, or would no longer apply following GRA reforms.
- **Religious sex-segregated spaces** – some religious individuals and organisations expressed concern that the changes in the GRC could impact sex-segregated places of worship and religious freedom, with GRA reform making it difficult to deny access to those protected under gender reassignment.
- **Feeling of women’s dignity being compromised** – respondents suggested there was a risk of non-trans women’s dignity being compromised, if they had to share space with trans women.
- **Diversity of single-sex and separate-sex spaces** – a wide range of spaces was discussed in response to this question with toilets, prisons, hospital wards, domestic violence services, sports facilities and changing rooms being among those most frequently mentioned, of which some are further discussed below.

Domestic violence support services

A commonly-voiced concern related to the implications of reforming the GRA for the exclusivity of single sex spaces, which was addressed by both individuals and organisations. The campaign group Fair Play for Women argued that changing the GRA would result in the end of male-free spaces. They claimed that this development would potentially put at risk the safety and security of women, in particular those recovering from the trauma of domestic abuse or rape. They argued that this might harm the recovery of women who had experienced abuse or rape, in particular undermining their privacy, dignity and peace of mind.

In contrast, a number of other organisations (including third sector organisations, providers of domestic violence support, and LGBT and women’s organisations) stated that such concerns were unfounded. They highlighted examples of domestic abuse support providers successfully serving the needs of all women, including trans women. Galop, the LGBT+ anti-violence charity stated:

“In Scotland in particular there has been a longstanding history of domestic and sexual violence services being inclusive of trans people (Stonewall Report 2018). Galop believes that lessons from this good practice can be learnt across the whole sector.” (Organisational online response - Galop)

Responses from providers of domestic violence support were mixed, but with a generally positive undertone. Many thought that changes to the GRA would have no implications on their services, with some thinking the changes would even help them in seeking to offer a more inclusive service.

Whilst most of the responses under this theme focused on women-only spaces, a few organisations suggested that attention should also be paid to the experiences of trans men and non-binary people:

“There are few services accessible to men as a whole and, in our experience, the complexities faced by trans men in seeking help are little understood by all services. Trans men and non-binary people may feel excluded from both women-only and men-only services and unable to find the help and support they need as victims/survivors.” (Organisational email response - Stonewall Housing)

A number of respondents noted that some services were already inclusive of trans people, and in their view, this had caused few problems up until now. Some respondents further suggested that access to single-sex and separate-sex services was not dependant on the sex listed on a person’s birth certificate. These respondents did not therefore believe that changing the process by which a person’s birth certificate is amended would affect that person’s ability to access single- or separate-sex services and spaces.

Toilets

For respondents concerned about GRA reform, a key issue was the comfort and safety of non-trans women in public toilets. Some respondents feared that there would be a drive to change all public single sex toilet facilities to gender neutral ones. It was felt that public toilets were often used as a refuge for women either dealing with a range of body-related needs or as a space to “escape” unwanted attention from men. For these respondents, there was a belief that the privacy, dignity and comfort of women using these spaces would be compromised by any proposed changes to the GRA.

Counter to this, respondents who felt that there would be no impact on these spaces frequently stated that trans people’s access to spaces such as public toilets was not governed by having a GRC or not, and, therefore, any changes would not affect these spaces. Others argued that trans women were already using these spaces and had done so for a long time, which meant that the issue was much more connected to whether trans women passed as female or not. Some respondents noted that many public toilets were, in effect, already gender neutral, such as in small cafes and restaurants, which only had one or two toilet cubicles.

Healthcare spaces

Access to specific healthcare spaces was a key area of concern amongst respondents, and it was felt that any changes would impact healthcare in different ways. Again, the attention was predominantly on women’s spaces, with concerns about more trans women having access to single-sex hospital spaces for women. It was felt that GRA reform would particularly affect women who had experienced domestic violence or sexual assault, women with particular religious beliefs, and older women. There was also concern that single sex accommodation in hospitals would be removed, in favour of gender-neutral accommodation.

Prisons

Another area of concern was prison spaces, with a number of respondents suggesting that housing trans women in female prisons posed potential safeguarding risks to other prisoners. A number of respondents also raised concerns over the safety of trans

prisoners, with a small number suggesting separate prison wings for trans people. Many trans respondents expressed fear over the possibility of ever being sent to a prison estate that was not in line with their gender identity. Many respondents on both sides of the debate pointed to high-profile news stories about trans women prisoners who had been housed in the female prison estate and had gone on to commit sexual offences against female inmates. Respondents frequently discussed safeguarding policies and individual risk assessments, arguing that if these were robust, and individuals were assessed on a case-by-case basis, this would minimise the risk of problems.

The relationship between the Gender Recognition Act and the Equality Act

While they noted the ongoing public debate, many organisations stated that changes to the GRA would not have any direct implications on access to single-sex spaces, because the Equality Act 2010 would not change. These respondents referred to the section of the Act that allowed for the exclusion of “a person with the protected characteristic of gender reassignment from a single- or separate-sex service, provided that doing so is a proportionate means of meeting a legitimate aim”. Further to this, a number of respondents stated that under the protected characteristic of gender reassignment in the Equality Act, there was no distinction between a trans person with a GRC and a trans person without one. Therefore, exceptions that were applied to single-sex and separate-sex services were not governed by whether or not an individual held a GRC. This was also the Government’s view, as set out in the consultation document.

Many respondents went on to say that access to single- and separate-sex services was already governed by individual risk assessments, which would consider the threat a person may pose to other service users. In their view, changing the GRA would have no effect on this – service providers would still be able to exclude people who they thought were dangerous.

“It is my understanding that trans women already use single sex services (women's refuges, rape crisis counselling, single gender swimming sessions etc.) and have been doing so for a long long time so I don't think removing barriers to obtaining a GRC will have much impact on this. Services for vulnerable women should be operating risk assessments for all service users not just the trans ones, the priority should be the safety of vulnerable women using these services including the trans women.” (Individual online response - Citizen Space)

Some organisations expressed concern that whilst the Government was not intending to change the Equality Act, there might be some unintended consequences, including diminishing the power of the Equality Act. Some providers of domestic violence support services argued that whilst the Equality Act would be unaffected, there was an interplay between the Equality Act and the GRA, which needed to be considered. Some organisations saw GRA reform as an opportunity to get clarity on the law.

Those who took this view suggested that confusion around the current legislation came from contradictions between various forms of legislation, or potentially from their own lack of understanding of what the law said on these topics. This view was summarised by Rights for Women who stated:

“We are concerned that the current lack of clarity around the law could leave a women's organisation seeking to rely on the exemption based on their interpretation

of the law vulnerable to a legal challenge of unfair discrimination that could have devastating impacts on the service provider and the women they support. Equally trans women have a right to understand the extent of the rights they obtain via a GRC and where they stand in relation to lawful discrimination against them”
(Organisational online response - Rights for Women)

Passing

A number of respondents on both sides of the debate suggested that issue of trans people and their access to single-sex and separate-sex spaces was often implicitly unpinned by whether a person “passed” in their acquired gender; i.e. whether or not they would be identified as trans in a single-sex space, or whether they “looked trans”. It was felt by some that if individuals “passed” in their acquired gender then there was unlikely to be any issue, particularly in public spaces such as toilets and changing rooms. Issues were more likely to arise when trans people did not pass. This also highlighted the varying experiences of trans people, with those who did not pass often finding it much more difficult to navigate gendered spaces.

“...passing privilege is a factor, if they look female, would people be upset by their presence?” (Individual online response - Citizen Space)

Challenges for small organisations

Whilst many of the small third sector organisations, providers of support for domestic violence victims, LGBT and women’s organisations were generally supportive of the key principles behind the GRA reform, some were concerned that the changes might produce unintended consequences. In particular that trans inclusivity might create practical challenges in terms of inclusion policies and additional administrative burdens, which would be particularly challenging for small organisations without much funding. They stated that trans inclusivity needed to be taken into consideration by providers and funders in the commissioning and operation of single- and separate-sex services.

16.3 Question 13(b) – quantitative analysis

Question 13(b): If you provide a single or separate sex service, do you feel confident in interpreting the Equality Act 2010 with regard to these exemptions?

Please give reasons for your answer.

	Total	Valid	Organisational (Valid)	Individual (Valid)
Yes	3.7%	43.5%	60.0%	43.3%
No	4.8%	56.5%	40.0%	56.7%
Not answered	91.5%	-	-	-
<i>Respondents</i>	<i>102,820</i>	<i>8,770</i>	<i>130</i>	<i>8,650</i>

This consultation question was intended for providers of single- or separate-sex services, and overall, fewer than 1 in 10 respondents (8.5%) provided an answer to this question. Individual respondents (8.5%) were less likely to answer this question than those responding on behalf of an organisation (19.1%), which is to be expected given that the question was aimed at service providers. There was some difference between individual and organisational responses, with organisations more likely (60%) to indicate feeling confident in interpreting the exceptions than those responding as individuals (43.3%). Some individuals who answered this question answered “No” even though they did not provide a single- or separate-sex service, for instance stating, “I do not provide these service” and “I do not own a business”.

When organisational and individual respondents were combined, responses were fairly evenly split, with 43.5% saying they were confident in interpreting the Equality Act 2010 with regard to the single-sex and separate-sex exceptions, and 56.5% saying they were not.

There did not appear to be any significant variation in responses by location (see Annex Table B31).

In terms of sources of responses, there did not appear to be any significant difference between responses received via official government channels, and those responding through Stonewall (see Annex Table B32). The question was not included in the Fair Play for Women template or the Level Up form so no responses to the question were received via these routes.

16.4 Question 13(b) – qualitative analysis

Of those that responded “Yes” to 13(b), 1,060 went on to make a further comment. Of those that answered “No”, 1,690 made a further comment. The key themes emerging from those free text responses are discussed below. Respondents to this question reported working with service users across a wide range of settings, including domestic and/or sexual violence support services, religious organisations, sports groups, homeless services and youth organisations.

Among those operating single- or separate-sex services who felt confident in interpreting *and applying* the Equality Act within their service, key reasons given were:

- **Clear organisational guidance** – a large number of respondents here felt that their organisation had clear guidelines and that they had received appropriate training on using and applying the Equality Act. These respondents were confident in explaining the use of exceptions to potential services users. This applied to both organisations which applied the exceptions in order to exclude trans women from women-only services, and to organisations that were trans inclusive (and did not wish to apply the exceptions).
- **Clarity of the Equality Act** – a number of organisations felt that the Equality Act was clear and easy to understand.
- **Direct experience** – a number of respondents with direct experience of applying exceptions to service users felt confident in applying these where appropriate. Many of these organisations discussed dealing with service users on a case-by-case basis.

A smaller number of respondents who felt confident raised concerns about the possibility of any changes to the law. Some respondents said they were unsure how any future changes might affect their organisation.

For those respondents who said that they did not feel confident interpreting the exception, the key reasons were:

- **Pressure or fear around using the exception** – a large number of respondents here said that they feared that they or their staff might be intimidated or attacked if they were not seen to be trans inclusive.
- **General lack of understanding over exceptions** – many of these respondents felt that the Equality Act was not clear and that there was a wider lack of understanding around organisations using and interpreting it. Many of these respondents expressed a desire to see clearer guidance on this topic.
- **Pressure from funders** – a number of respondents perceived a pressure from funders to be trans inclusive and feared losing their funding if they applied the exceptions.

In addition to the above themes, smaller organisations providing single-sex or separate-sex spaces were concerned about the additional requirements that changes to the GRA would place on them:

“We are a small organisation with limited resources that are already stretched and under immense pressure. We cannot afford to divert resources away from our work to deal with complex legal issues or potential legal challenges without a detrimental impact on our existing service users.” (Organisational email response - Domestic abuse, sexual abuse or sexual assault support group)

Furthermore, many of the themes discussed under question 13(a) were raised again, namely around the effect GRA reform might have on the safety and availability of

women-only spaces and the concern that the exception might lose its power following any reform. Some respondents said that the exception needed to be kept, strengthened or extended.

More generally, there also appeared to be a split in respondents to this question between those who felt that their services should be trans inclusive and those who said they did not tailor their support to trans people.

16.5 Question 13(c) – quantitative analysis

Question 13(c): If you are a trans person who has experienced domestic abuse or sexual assault, were you able to access support?
Please give reasons for your answer.

	Total	Valid
Yes	0.8%	24.6%
No	2.3%	75.4%
Not answered	96.9%	-
<i>Respondents</i>	<i>102,820</i>	<i>3,170</i>

This consultation question was intended for trans respondents who had experienced domestic abuse or sexual assault. A small proportion (3.1%) of consultation respondents answered this question, and of these, only a quarter (24.6%) reported being able to access support. Whilst this question was intended for trans people only, some respondents who answered “No” were not trans, for instance going on to comment “not a trans person”. A few respondents who were trans who answered “No” said that they had not experienced domestic abuse or sexual assault. The number of responses to this question should not therefore be taken as a reliable estimate of the number of trans respondents who had experienced domestic abuse or sexual assault.

There was some variation in responses depending on location, with respondents in Wales (27.6%), Scotland (24.2%) and England (23.7%) more likely to say they had been able to access support than those in Northern Ireland (16.7%) (see Annex Table B33).

In terms of sources of responses, there did not appear to be any significant difference between responses received via official government channels, and those responding through Stonewall (see Annex Table B34). The question was not included in the Fair Play for Women template or the Level Up questionnaire, so no responses to the question were received via these routes.

Although this question was intended primarily for individual respondents, a small number (4.9%) of those responding on behalf of an organisation provided an answer to this question, perhaps choosing to answer in a personal capacity. Small base sizes mean it is difficult to draw firm conclusions, but there did not appear to be any significant differences in responses between individual and organisational responses.

16.6 Question 13(c) – qualitative analysis

This question was intended for trans people who had experienced domestic violence or sexual assault. Of those who answered “Yes” to 13(c), 490 made further comments. Of those who answered “No”, 1,300 made further comments.

There was also a large number of responses to this question from respondents who said they were unhappy that this question only addressed the experiences of trans people. On the whole, these responses appeared to generally come from non-trans respondents. It was felt by these respondents that anyone who had experienced domestic abuse or sexual assault should be given the opportunity to share their experiences as part of the consultation.

For those (trans) respondents who said that they had been able to access support, a large number said the support they received had been gender specific, that is, intended for women or for men. For some that meant being supported in their acquired gender, but others were only able to access support in the gender they had been assigned at birth. This was a particular issue for non-binary respondents who said that they had received support within gender-specific services. While some felt that they had received appropriate support tailored to their specific needs, others did not.

For respondents who answered “No” to the question, one of the primary reasons given was that, in their view, there was a structural lack of services to meet their needs. Some respondents said that they did not feel able to approach services at all. Others said that the gendered nature of the services made it impossible for them. Some respondents said that they had tried to access support and been turned away.

“Given the area I live in, my options for support were extremely limited and were all unopen to supporting me for being trans.” (Individual email response)

In general, respondents who answered “No” to 13(c) pointed towards a difficulty in finding places where they felt they would be both accepted and appropriately supported. Some respondents put this lack of support in a wider context of a general shortage of domestic violence services and lack of information on available services.

Regardless of whether they had been able to access services or not, respondents often expressed fears about being rejected by services, not being believed or being blamed for the violence they had experienced, as well as fears for their safety when using services.

16.7 Question 13(d) – quantitative analysis

Question 13(d): If you answered ‘yes’ to Question 13(c), was this support adequate?

	Total	Valid
Yes	33.8%	61.4%
No	21.2%	38.6%
Not answered	45.1%	-
<i>Respondents</i>	<i>780</i>	<i>430</i>

Trans respondents who had experienced domestic abuse or sexual assault and had managed to access support were asked whether this support had been adequate. Just over half (54.9%) of these respondents provided an answer to this question, with 61.4% of these stating that support had been adequate, and 38.6% saying that it had not.

Due to small base sizes, it is not possible to draw any firm conclusions about variation in responses by location (see Annex Table B35).

There was no variation by source of response, as the only responses received to this question were those submitted via official government channels. The question was not included in the Fair Play for Women template, or the Stonewall or Level Up forms.

As with a question 13(c), a small number (<10) of organisations provided a response to this question, with respondents potentially answering in a personal capacity. Due to the small base sizes, it is not possible to draw any firm conclusions about variation in responses between the two types of response.

There was no option for a qualitative response to this question.

17. Question 14: Equality Act 2010 and the occupational requirement exception

As with questions 12 and 13, this question asked about how changes to the GRA might affect provisions in the Equality Act. This question concerned the exception in the Act that allows employers to impose a requirement that a job can only be open to people who are not transgender (that is, those who do not have the protected characteristic of gender reassignment). For example, a hospital might require that a midwife be a woman but not a trans woman; as noted in the introduction to question 14 in the consultation document. As with other exceptions, application of the requirement must be a proportionate means of achieving a legitimate aim.

As with the previous questions, the Government's view at the outset of the consultation was that the operation of this exception would not be affected by changes to the GRA. This is because it is understood to apply to all trans people (people who have the protected characteristic of gender reassignment), whether or not they have changed their gender legally, although the possession of a GRC may be a factor that employers consider when deciding whether or not to impose an occupational requirement.

In order to better understand what may need to be done to ensure the continued operation of this exception, the Government included a question in the consultation asking respondents if they thought it would be affected by changes to the GRA. This chapter provides an overview of the responses received.

17.1 Question 14 – quantitative analysis

Question 14: Do you think that the operation of the occupational requirement exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer

	Total	Valid
Yes	30.5%	68.4%
No	14.1%	31.6%
Not answered	55.4%	-
<i>Respondents</i>	<i>102,820</i>	<i>45,840</i>

Overall, 43.6% of consultation responses provided an answer to this question, with just over two thirds (68.4%) saying that the occupational requirement exception would be affected by changes to the GRA.

Responses varied by location, with respondents in Northern Ireland (83.7%) most likely to agree that the exception would be affected, compared to the other three UK countries (ranging from 71.9% to 76.7%) (see Annex Table B37).

Responses to this question varied significantly depending on the source through which they were submitted. While those responding through official government channels were fairly evenly split (with 47.7% saying the exception would be affected, and 52.3% saying it would *not*), 100% of those responding via the Fair Play for Women template said that it would be affected, which had a significant impact on the overall pattern of responses. In contrast, most (85.7%) of the Stonewall respondents said that the exception would *not* be affected, but the low response rate for this question (1.1%) meant that this group did not have a large impact on the overall percentage (see Annex Table B38). As this question was not included in the Level Up form, no responses to this question were received through this route.

There was some variation between individual and organisational responses, with individuals more likely (68.5%) to suggest that the exception would be affected than those responding on behalf of organisations (34.3%).

17.2 Question 14 – qualitative analysis

Of those that responded “Yes” to this question, 27,860 made further comments. Of those that responded “No”, 6,700 made further comments. Key points raised by respondents are set out below. It should be noted that the majority of responses did not address the question specifically, but focused on concerns they had about people with a GRC in the workplace.

Disclosure of GRC in employment

A commonly-voiced opinion, particularly among women’s groups, was that it was legitimate in some employment circumstances to disclose data about people’s trans history, in order to protect both customers/service users and trans people themselves. Those responding via the Fair Play for Women template argued it would make it more challenging to exclude male-born people from female-only occupations.

“I do not support any changes that would increase the number of people gaining a GRC because it will be more difficult to exclude male-born people from female-only occupations if more male-born people have birth certificates saying they were born female.” (Individual online response - Fair Play for Women)

Some respondents argued that the occupational requirement exception relied on the disclosure of someone’s trans status, sometimes without that person’s consent, with some respondents agreeing with this, and others disagreeing. Some suggested that the consent of the GRC holder to disclose their trans status was an important aspect in the lawful operation of the Equality Act exception.

It was felt by a number of respondents that if employers had a better understanding of the law, that would empower them to make more informed decisions, more accurately interpret the law, and act accordingly.

“There needs to be better guidance on what constitutes legitimate aim. Having a male midwife should not be an issue if they are good at their job, so why should having a trans or non-binary mid-wife be an issue? The key should be competence, skill and ability to undertake the role.” (Organisational online response - The Proud Trust)

No change to Equality Act 2010 means no impact

Most of the respondents who answered no did not believe that the occupational requirement exception in the Equality Act would be impacted by changes to the GRA, when the Equality Act itself was not being changed. They argued that the exceptions could still be applied in the same way as they are now after changes to the GRA. There was a number of responses from women’s, trans and public sector organisations that supported this view, with some urging the Government for additional clarity:

“We cannot see why changing the process by which you are able to obtain a gender recognition certificate, or why allowing both non-binary people and younger trans people to be able to apply for a gender recognition certificate, would impact on the operation of the occupational requirement exception. Whether or not a trans person holds a GRC does not define whether or not they have the protected characteristic of gender reassignment. And how the occupational requirement exception can be used with regards to gender reassignment does not distinguish between GRC holders and non GRC holders who share the protected characteristic.” (Organisational online response - Equality Network/Scottish Trans Alliance)

“GRA reform should not weaken the exception available - but the Government needs to make clear that this is the case by clarifying the interaction between the Equality Act and the GRA in its current or reformed state.” (Organisational online response - Fawcett Society)

Current guidelines discriminate against trans people

A number of respondents felt that current provisions discriminated against trans people. Some felt that these exceptions meant that trans people were never fully treated as their gender identity because of how they looked, or acted. The argument proposed by some respondents specifically concerned the wording of “legitimate aim”. They felt the wording was too vague and allowed employers to be able to get away too easily with not hiring trans people.

“Allowing people to decide that somebody's status as trans, a community that already experiences a disproportionately high level of unemployment, can disqualify them from a job so long as they can think of a good 'legitimate' reason.” (Individual online response - Citizen Space)

Wider themes

Some wider themes were raised by respondents, which did not always directly relate to the question, but related to wider issues of trans employment:

- **Fear of being accused of transphobia** – a less frequently-raised opinion was that it may be difficult to refuse delivery of a service provided to them by a trans person. Those respondents felt that if they did so, they may be labelled as transphobic.

- **Issues with the use of the midwife example in the question** – a large number of respondents took issue with the example used in the context given before the question in the consultation document, and felt it was discriminatory. They emphasised that trans women are women, and that organisations can employ and train male midwives.
- **Other themes** – respondents also mentioned the current availability of jobs for women, the impact on the gender pay gap, the maintenance of single-sex and separate-sex services, and the lack of legal recognition of non-binary people.

18. Question 15: Equality Act 2020 and the communal accommodation exception

Another Equality Act exception of relevance to trans people concerns communal accommodation. Communal accommodation is defined as “residential accommodation which includes dormitories or other shared sleeping accommodation which for reasons of privacy should be used only by persons of the same sex”.

Providers of such accommodation may refuse to admit a trans person to the accommodation reserved for their acquired gender – for example, a trans woman may be refused access to a female dormitory – in certain circumstances and where this can be shown to be a proportionate means of meeting a legitimate aim.

As with previous questions, the Government’s view of this exception was that it was intended to apply to trans people who have changed their legal gender as well those who have not. For this reason, the Government took the view that the exception would not be affected by changes to the GRA.

18.1 Question 15 – quantitative analysis

Question 15: Do you think that the operation of the communal accommodation exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	31.8%	69.2%
No	14.2%	30.8%
Not answered	54.0%	-
<i>Respondents</i>	<i>102,820</i>	<i>47,260</i>

Overall, 46% of consultation respondents provided an answer to this question, with 69.2% of these saying that the operation of the communal accommodation exception would be affected by changing the GRA, and 30.8% saying that it would not.

There was some variation in terms of location, with respondents in Northern Ireland most likely (86.3%) to say that the exception would be affected, compared to 72.7% of respondents in England who said this (see Annex Table B39).

Responses to this question varied significantly depending on the source through which they were submitted. While those responding through official government channels were

more or less evenly split (with 50.2% saying the exception would be affected, and 49.8% saying it would *not*), 100% of those responding via the Fair Play for Women template said that it *would* be affected, which had a significant impact on the overall pattern of responses. In contrast, most (83.8%) of the Stonewall respondents said that the exception would *not* be affected, but the low response rate for this question (1.1%) meant that this group did not have a large impact on the overall percentage (see Annex Table B40). As this question was not included in the Level Up form, no responses to this question were received through this route.

There was some variation between individual and organisational responses, with individuals much more likely (69.5%) to suggest that the exception would be affected than those responding on behalf of organisations (33.9%).

18.2 Question 15 – qualitative analysis

Of those that responded “Yes” to this question, 29,090 made further comments. Of those that responded “No”, 6,630 made further comments. Respondents to this question commonly raised the following points in their responses.

Women’s rights

Women’s rights emerged as a strongly-voiced opinion in response to this question, drawing attention to possible safeguarding issues associated with permitting trans people to access the communal accommodation that accords with their gender identity. Many respondents thought that reforming the GRA would negatively impact the operation of the communal accommodation exception because of the risk of men falsely claiming to be women to gain access. The responses under this theme were strongly influenced by those campaign groups that focused on the safeguarding of women and children. For example, Fair Play for Women presented concerns about women and girls being “uniquely vulnerable” when getting undressed or sleeping. Whilst they recognised that under the Equality Act the provision may refuse to admit a trans person, they claimed that if “self-ID becomes law, any realistic prospect of doing that will be lost once and for all” (Fair Play for Women).

However, such views were not universally held by women’s groups who responded to this question. Some, along with many LGBT groups, noted that while there was a lot of concern raised around this issue, these concerns were unfounded. They re-emphasised, as in earlier questions, that there were no proposals to change the Equality Act, and therefore GRA reform would not affect the operation of the exception. Some individual responses mentioned there are also no additional safeguards for lesbian women entering women-only accommodation, or gay men entering men-only accommodation.

“The Equality Act and the GRA are different laws. It is unlikely the presence or absence of a GRC would be a significant consideration regarding decisions about accommodation.” (Organisational online response - TMSA-UK)

Everyone has a right to a safe space

A strongly-voiced opinion was that everyone has a right to access safe spaces. While several respondents argued this should be the case for everyone irrespective of their

gender identity, many also felt that trans people were much more likely to be vulnerable, experience abuse and require protection. Several respondents felt very strongly that inequality and exclusion of trans people should be prevented. Many respondents referred to evidence from Stonewall that trans women experience high levels of domestic violence. They felt that safe spaces, including access to communal accommodation that accords with their gender identity, should be available to trans people. One associated point made by a smaller number of respondents was that trans people might be “outed” in the process of being denied access to communal accommodation.

A commonly voiced opinion was that misuse of the communal accommodation exception should be prevented, allowing for fairness to trans people:

“I believe in principle that it is appropriate for trans men and women to be allowed to share communal accommodation with non-trans people of the same gender; and that it should be an exceptional case where that is not permitted.” (Individual online response - Citizen Space)

Smaller numbers of respondents noted that offering separate accommodation for trans people would involve “outing” them, and some suggested that dormitory accommodation was outdated and should be phased out to allow everyone to have their own space.

Wider themes

Some wider themes raised by respondents to this question included:

- **False assumptions** – a commonly voiced opinion was that the debate around the Equality Act exceptions often wrongly implied that all trans people were potentially predatory. Many of the responses indicated that trans people do not present any kind of threat to others, with several pointing out that a sex offender was a sex offender irrespective of their gender identity.
- **Non-trans men were unlikely to go through the process of obtaining a GRC** – some respondents suggested that cisgender (non-trans) men were unlikely to go through the whole process of obtaining a GRC just to be able to access women-only spaces with a view to assaulting women.
- **Necessity of single-sex accommodation** – a few respondents argued that single-sex accommodation was only necessary because of the actions of non-trans men.

19. Question 16: Equality Act 2020 and the armed forces exception

Question 16 asked about other exceptions in the Equality Act relating to trans people in the context of the armed forces. An exception in the Equality Act allows imposition of requirement not to be transgender in relation to service in the armed forces, if this is a proportionate means of ensuring combat effectiveness. In practice all branches of the armed forces permit transgender military personnel to serve, regardless of whether they have legally transitioned. For this reason, the Government took the view that this exception would not be affected by changes to the GRA.

The Government’s position entering the consultation was that it wanted the exceptions to continue to operate as originally intended. The question was included in the consultation in order to better understand whether further action would be required to ensure this was the case. An overview of the responses received to the question on the armed forces exception is presented below.

19.1 Question 16 – quantitative analysis

Question 16: Do you think that the operation of the armed forces exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	6.0%	25.0%
No	18.1%	75.0%
Not answered	75.9%	-
<i>Respondents</i>	<i>102,820</i>	<i>24,800</i>

Overall, 24.1% of consultation respondents provided an answer to this question, with three quarters of these (75%) saying that the armed forces exception would not be affected by changes to the GRA.

There did not appear to be any significant differences between respondents in the different UK countries (see Annex Table B41).

Responses to this question did not appear to be significantly influenced by the source through which they were submitted. While Stonewall respondents were more likely (89.6%) to say that the exception would *not* be affected compared to those submitted a response through official government channels (74.7%), the low response rate (1%) to this question by Stonewall respondents meant that this group did not have a significant impact on the overall pattern of responses (see Annex Table B42). This question was

not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

There was some variation between individual and organisational responses, with individuals more likely (25.1%) to suggest that the armed forces exception would be affected than those responding on behalf of organisations (15.6%).

19.2 Question 16 – qualitative analysis

Of those that responded “Yes” to this question, 3,110 made further comments. Of those that responded “No”, 7,020 made further comments. Responses to this question covered a wide range of themes, including what respondents felt would be the benefits of increasing the diversity of the armed forces, as well as concerns about the unity of the army, with a number of respondents expressing a pacifistic viewpoint. Some of these themes therefore went well beyond the original question posed by the Government, as to whether the operation of the Equality Act exceptions would be affected by reform of the GRA.

A strongly-voiced opinion among respondents who said “Yes”, was that trans people should not be denied the opportunity to serve in the military, providing they met physical and mental requirements. Similarly, many of those that responded “No” suggested that the nature of modern warfare had changed, and that there was no relation between the reform of the GRA and combat effectiveness. A campaign response from Pride in Sheffield reflected the views of many respondents:

“The Government has been clear that the proposals outlined within this consultation document are with the aim of reforming the Gender Recognition Act 2004 and not the Equality Act 2010. There will therefore be no changes to this legislation, including the armed forces exception.” (Organisational online response - Pride in Sheffield)

A smaller number of respondents who said “Yes” suggested that simplifying the GRC application process might make it easier for decisions to be made based on actual combat readiness, such as competence tests and experience, rather than on general attributes such as gender. A few respondents who said “No” also suggested that reforming the GRA would increase the likelihood of the armed forces making decisions in context and on a case-by-case basis.

“I cannot see any reason why this will affect the operation of the armed forces exception as it relates to trans people. If someone is capable of serving in the military, and they are permitted to serve in the military by the UK Armed Forces, whether that person has a GRC or not does not seem to be relevant.” (Individual online response - Citizen Space)

A common opinion amongst respondents who said “Yes” was that the armed forces should retain legitimate access to identify trans individuals, because of the duty of care (physical, pastoral, psychological and mental) that the forces had towards all military personnel. Accordingly, some of these respondents felt that it was important that the armed forces could recruit, promote and deploy troops based on a full knowledge of

their trans status. They felt that this included continuing to utilise the occupational requirements and maintaining the exceptions in the Equality Act 2010.

A number of respondents expressed concern about trans people operating in regions with different cultural beliefs, which was mainly based on hypothetical situations. It was argued that their trans status might put them at greater risk. Some respondents suggested trans men, particularly, would be put at greater risk after GRA reform, and respondents drew attention to the importance of risk assessments at all times.

“Regardless of changes to the GRA, risk assessments will always have to be performed.” (Individual online response - Citizen Space)

Other topics included views about whether the GRA reform would reduce transphobia, the need to accommodate non-binary personnel, the perception that the erosion of sex-segregated spaces in the armed forces might negatively impact women, and the resource burden of potentially administering more people with GRCs in the Armed Forces.

20. Question 17: Equality Act 2010 and the marriage exception

The Equality Act allows those who authorise or solemnise marriages according to religious rites to refuse to marry a person they reasonably believe to have legally changed their gender. This is because some religious people may have a principled opposition to what they may regard as a same-sex marriage, and their religious freedom to object to this should be respected. Unlike the other exceptions, this exception specifically mentions people who have changed their gender under the GRA. The law allows those authorising or solemnising marriages to take a decision not to marry a person on the basis of whether they “reasonably believe” a person has changed their legal gender. This exception will continue to operate on the same basis as before following any changes to the GRA; it may be more frequently made use of, if changes to the GRA lead to more people obtaining GRCs.

Through this question, the Government sought to understand people’s views on how reform of the GRA might impact on the marriage exception.

20.1 Question 17 – quantitative analysis

Question 17: Do you think that the operation of the marriage exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	11.4%	47.8%
No	12.4%	52.2%
Not answered	76.2%	-
<i>Respondents</i>	<i>102,820</i>	<i>24,430</i>

Overall, just under a quarter (23.8%) of consultation respondents provided an answer to this question. Respondents were fairly evenly split as to whether the marriage exception would be affected by changing the GRA, with 47.8% saying that it would, and 52.2% saying that it would not.

There was some variation in responses by location. While responses were relatively evenly split in all four countries, respondents in Wales and Northern Ireland were slightly more likely to say that the exception would be affected (53.2% and 53% respectively), while respondents in England and Scotland were slightly more likely to say that the exception would *not* be affected (52.8% and 56.8% respectively) (see Annex Table B43).

Responses to this question did not appear to be significantly influenced by the source through which they were submitted. While Stonewall respondents were more likely (71.4%) to say that the exception would *not* be affected compared to those who submitted a response through official government channels (51.9%), the low response rate (0.9%) to this question by Stonewall respondents meant that this group did have a significant impact on the overall pattern of responses (see Annex Table B44). This question was not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

There was some variation between individual and organisational responses, with individuals more likely (48%) to suggest that the marriage exception *would* be affected than those responding on behalf of organisations (37%).

20.2 Question 17 – qualitative analysis

Of those that responded “Yes” to this question, 7,520 made further comments. Of those that responded “No”, 5,190 made further comments. Respondents to this question commonly raised the following points in their responses.

Solemnising marriage in accordance with one’s beliefs

Answers to this question were fairly polarised. A strongly-voiced opinion was that people who conducted marriages should be able to act in accordance with their beliefs. They felt that those who conducted religious marriage ceremonies should not be forced into conducting services they thought were not right. Responses along these lines also discussed the view among many religions of marriage being between one man and one woman.

“Yes, I believe those who preside over religious marriages should be exempted from having to perform the ritual for those who they reasonably believe have legally changed their gender, as this is a matter of personal conscience.” (Individual online response - Citizen Space)

However, many respondents felt that the sex or gender identity of those wishing to get married was not important in the bigger picture. A commonly-voiced opinion was that marriage should principally be about two people who love each other, rather than the religious aspect. Those who responded along these lines felt marriage was more about individuals making a vow or promise to each other than being a contract before God.

Many respondents stated that marriage was already available to everyone, irrespective of their gender identity, through the option of a civil marriage.

“There will always be many marriage celebrants, especially secular ones who will be happy to marry trans people, and so GRC holding trans people will always be able to get married comfortably if they want to.” (Individual online response - Citizen Space)

Impact on the Equality Act exception

A commonly-voiced opinion was that the operation of the marriage exception would not be affected as a result of changes to the GRA. These views resulted from the fact that the Government was not proposing changes to the Equality Act. Many of these

respondents felt that changes to streamline the process of gaining a GRC would make no difference to religious organisations, particularly given that they were currently, and still would be, after reform of the GRA, legally allowed to refuse to marry a couple based on a reasonable belief that one or both has a GRC.

However, another commonly-voiced opinion was that changes to the GRA would impact on the operation of the Equality Act exception, because GRA reform would put more pressure on what was perceived as a tension between religious freedom and discrimination, emphasising that the operation of the Equality Act exception was part of religious freedom.

A smaller number of respondents mentioned that they felt conflicted about how to answer this question because, while they supported the rights of trans people, they could also accept the point of view from those with strong religious beliefs.

Whilst recognising that the exceptions will remain, representatives of religious organisations were concerned about how any changes to the GRA might impact on their ability to enact any exception in practice.

“It is important that clergy are not required to solemnise marriages for people who have changed their legal gender. Without sufficient protection, ministers would be forced or tricked into performing same sex marriages. Whilst Christian ministers are currently permitted to refuse to marry a person if they ‘reasonably believe’ they have changed gender, any reform of the GRA that moves away from a binary view of legal gender, towards indeterminate ‘gender identities’ would require careful thought as to how reforms might not impede and protect the existing rights of Christian ministers.” (Organisational email response - The Evangelical Alliance UK)

Some religious and non-religious organisations raised concern that if the exception were used more often this might create potential hostile responses, leading to a narrower interpretation of religious freedom and conscience.

“Ministers and other faith leaders must continue to have this vital protection for religious freedom. However, there is a concern that the operation of the marriage exception will be impeded if the Gender Recognition Act is changed. The Government speculates in the consultation document that the exception will have to be used more often. This itself could lead to the provision coming under increased hostile scrutiny leading to a narrower interpretation and therefore increased restrictions on freedom of religion and conscience.” (Organisational email response - Solicitors Regulation Authority)

Some LGBT organisations were concerned that an unintended consequence of GRA reform could be that religious organisations might become stricter in their exclusion of trans people, which would have a detrimental impact on society.

Views among religious organisations were not universal, with some sharing the concerns, but others not. The Churches’ Legislation Advisory Service, for example, stated that:

“Some of our members have theological objections to marriage between persons where either or both parties are of an acquired gender; some of our members have no such misgivings.” (Organisational email response - The Churches’ Legislation Advisory Service)

Some religious organisations argued for the exception to be removed.

Religious freedom and prevention of discrimination

Though not directly related to the consultation question, respondents on both sides elaborated on the potential conflict between religious freedom and discrimination against trans people. Some respondents who addressed this conflict questioned why discrimination arising from someone’s religious beliefs was permitted to continue. Some argued that if it was someone’s job to conduct marriages then they should be required by their employer to do this. Other respondents, however, mentioned the religious perspective of those who protected the exception as their religious right. An associated point made by smaller numbers of respondents concerned the exclusion of religious trans persons from their faith organisation, including the religious ceremony they would prefer to participate in.

Perceived discrimination

Some respondents felt that the current exceptions were discriminatory. There were particular concerns around those officiating a marriage ceremony being able to refuse to marry a couple based on whether they perceived one or both of them to be trans. It was felt that this perception would only be based on how a person looked, and this was perceived to be discriminatory. Some respondents, therefore, questioned the wording in the marriage exception and what was really meant by “reasonable belief” that a person had changed their gender under the GRA. The perception of how the exception operated was thought to be damaging, because it played into societal views about how men and women *should* look.

A smaller number of respondents went on to critique religion and suggested that unless everyone was able to get married within the religion they wanted, there was no real equality. A few respondents stated that religious organisations that discriminate against trans people would continue to do so, whatever the law said.

21. Question 18: Equality Act 2010 and the insurance exception

In question 18, the Government asked respondents for their views on the insurance exception in the Equality Act 2010. Employers that provide annuities, life insurance policies, accident insurance policies or any “similar matter involving the assessment of risk” are permitted by the Equality Act to provide different premiums to transgender people (people who have the protected characteristic of gender reassignment), if this is reasonable and is done by reference to “actuarial or other data”. This exception only relates to employment-related insurance products and does not, for example, cover car insurance etc. The Government is not aware of any reasonable grounds on which employer insurance policies may differ for transgender people. In any case, under EU law it is unlawful to use gender-related factors for determining premiums and benefits under insurance policies – this would include whether a person is transgender or not. The Government’s understanding of this exception is that it is rarely, if ever, used but they wanted to test that by asking for people’s views on its operation as part of the consultation.

21.1 Question 18 – quantitative analysis

Question 18: Do you think that the operation of the insurance exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

Please give reasons for your answer.

	Total	Valid
Yes	5.1%	23.2%
No	17.0%	76.8%
Not answered	77.9%	-
<i>Respondents</i>	102,820	22,720

Overall, around 1 in 5 (22.1%) consultation respondents provided an answer to this question, with around three quarters (76.8%) of these saying that the insurance exception in the Equality Act 2010 would *not* be affected by changing the GRA, and 23.2% saying that it would be.

There did not appear to be any significant variation between the four UK countries (see Annex Table B45).

Responses to this question did not appear to be significantly influenced by the source through which they were submitted. While Stonewall respondents were more likely (91.1%) to say that the exception would *not* be affected compared to those submitted a response through official government channels (76.6%), the low response rate (0.8%) to

this question by Stonewall respondents meant that this group did have a significant impact on the overall pattern of responses (see Annex Table B46). This question was not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

There was some variation between individual and organisational responses, with individuals more likely (23.4%) to suggest that the insurance exception would be affected than those responding on behalf of organisations (12.1%).

21.2 Question 18 – qualitative analysis

Of those that answered “Yes” to this question, 2,660 went on to make further comments. Of those that answered “No” to this question, 3,510 made a further comment. It should be noted that the majority of responses to this question did not appear to understand the insurance exception. Most respondents spoke about insurance in general, and some respondents about vehicle or health insurance more specifically. The themes that emerged from the responses are briefly discussed below, even though very few directly addressed the intention of the question, which was to understand whether any change to the GRA would affect the current working of the Equality Act exception.

The majority of those who commented felt that it was correct that insurance policies and premiums were based on real actuarial risk, centred on statistics around men and women. They thought that changes to the GRA would not affect this. However, for those who agreed that the operation of the insurance exception would be affected, the most common argument was that there should be selective differences in insurance premiums for trans people, particularly with regards to life insurance. For that purpose, this group of respondents felt that insurance companies must be able to ask people for details of their sex at birth when they apply for insurance.

Respondents made remarks about different types of insurances, including life and liability insurances, but these were not directly relevant to the question. A commonly-voiced opinion from trans people was they did not feel that any of their premiums had been affected by their trans status. Several reflected that it was essential to be honest about the surgery they had undergone, and any medication they were taking. A small number of respondents who were trans talked about the tension between not wanting to lie on their application and their right not to disclose their trans status.

Some wider themes were raised by respondents in relation to the insurance exception more broadly, with some seeing the insurance exception as discriminatory, some advocating removing the insurance exception, and others expressing concern about employers of trans people potentially having to pay higher premiums.

22. Question 19: Impact on law and public services beyond the Equality Act 2010

An important part of the Government's decision-making process is to think about how a particular course of action might affect different groups in society and other areas of the law or public services. Question 19 asked for respondents' views on whether they thought changes to the GRA would affect other areas of the law and public services, apart from the Equality Act. This chapter gives an overview of the responses received to this question.

22.1 Question 19 – quantitative analysis

Question 19: Do you think that changes to the Gender Recognition Act will impact on areas of law and public services other than the Equality Act 2010?

Please give reasons for your answer.

	Total	Valid
Yes	34.1%	77.1%
No	10.2%	22.9%
Not answered	55.8%	-
<i>Respondents</i>	<i>102,820</i>	<i>45,480</i>

Overall, 44.2% of consultation respondents provided an answer to this question, with just over three-quarters (77.1%) of these saying that changes to the GRA *would* impact on areas of law and public services other than the Equality Act 2010, and 22.9% saying that they would *not*.

While there was some variation in responses rates by location, with people in Northern Ireland and Wales more likely to respond to the question (48% and 45.7% respectively) compared to those in England and Scotland (40.3% and 35.7% respectively), there did not appear to be significant variation in terms of patterns of responses between countries (see Annex Table B47).

Responses to this question varied significantly depending on the source through which they were submitted. While 61.9% of those responding via official government channels said that changes to the GRA would impact on other areas of law and public services, 100% of those responding via the Fair Play for Women template said that there would be an impact, and this had a significant impact on the overall percentage. In contrast, Stonewall respondents were much less likely (35.9%) to say this, but the low response rate for this question (1%) meant that this group did not have a large impact on the

overall pattern of responses (see Annex Table B48). As this question was not included in the Level Up form, no responses to this question were received through this route.

There was some variation between individual and organisational responses, with individuals more likely (77.2%) to suggest that changes to the GRA would impact on other areas of law and public services, than those responding on behalf of organisations (54.6%)

22.2 Question 19 – qualitative analysis

Of those that responded “Yes” to this question, 30,540 made further comments. Of those that responded “No”, 3,510 made further comments. The main themes that emerged from those responses are discussed below.

Gender Recognition Act only one piece of legislation

A large number of respondents argued that there would be no change to law and public services because the GRA was one act of law in a wider system of legislation. These respondents argued that in order for there to be any impact on law and public services there would need to be a change in the Equality Act, something which the Government have expressed would not be the case. For these respondents, changes to the GRA were purely “bureaucratic” and would have a greater impact on trans people than on society more broadly.

A few of these respondents went on to discuss ways in which they would like to see the law and public services to be more inclusive of trans people, but felt that for any major changes to happen in society, there would need to be more than just reform of the GRA.

(No) impact on single-sex and separate-sex spaces

The impact on single-sex spaces was a key concern for those who felt that changes to the GRA would impact more widely on law and public services. Many of these points have been covered in detail in previous chapters. The focus here for a large number of respondents was the protection of spaces for women, which included:

- **Women’s refuges and domestic violence services** – many respondents repeated their concerns about the possibility that the presence of trans women in women-only support services would upset, or re-traumatise, the non-trans service users. There was also fear that non-trans men could pose as trans women, in order to easily access the refuges and services, and do further damage.
- **Prison spaces** – a large number of respondents were concerned about the impact on women’s prison spaces. Of particular concern here was the belief that housing trans women in female prisons posed a safeguarding risk to vulnerable women. A key fear was that male prisoners might pose as trans in order to access women’s prison spaces, either because this would give them access to women or because they perceived they would receive better treatment in a women’s prison. Respondents here repeatedly referred to several high-profile news stories as evidence.
- **Hospitals** – hospitals and medical space were frequently raised, with concern among some respondents that any changes to the GRA could potentially impact on

patients' access to single-sex accommodation, and their rights to request treatment from staff of the same sex who were not trans. Respondents thought that changes to the GRA would mean that it would be impossible to maintain separate-sex accommodation – and that this would potentially leave vulnerable patients at risk.

- **Toilets and leisure facility changing rooms** – a number of respondents believed that it was critically important to keep these facilities as for men and women only. It was perceived that these spaces might all be turned into gender-neutral facilities, and that this would particularly impact on women who were vulnerable to be attacked in these facilities.
- **Other services or spaces** – respondents also mentioned schools, youth organisations, and religious organisations. Again, it was felt that any changes would potentially affect safeguarding in these spaces.

The use of single-sex and separate-sex spaces were also mentioned by a number of those who felt any GRA reform would *not* impact more widely on law and public services. These respondents went on to outline ways in which single-sex spaces would be *unaffected*. A wide range of spaces were covered within these responses including prisons, toilets and changing rooms, domestic violence services, schools and hospitals. A number of respondents discussed the ways in which services undertook individual risk assessments to ensure that persons entering these spaces did not pose a risk to each other. It was felt that as long as these risk assessments were still carried out, and laws continued to govern where exceptions could and could not be used, there would be little impact.

Another commonly-raised theme related to the ways in which access to many of these spaces was not determined by whether someone has a GRC, or what sex was on one's birth certificate. These respondents emphasised that trans people were using, and had historically used, these spaces without issues. It was felt that the public debate taking place around the GRA had failed to consider that there was no relationship between toilet access and holding a GRC.

Data collection and statistics

A large number of respondents were concerned about the majority of data collection being based on people's self-reporting of their gender. The respondents addressed several areas of data collection, including crime, inequality and medical conditions, and discussed data potentially being skewed as a result of GRA reform.

Despite there only being approximately 5,000 people holding a GRC at the time, it was felt by a number of respondents, particularly some women's groups, that the inclusion of trans women as women on official statistics was problematic. Respondents here believed that the inclusion of trans women in crime statistics would lead to a statistical rise in the recorded numbers of women committing violent crime, as they believed that trans women were more likely than non-trans women to commit these crimes. These respondents also felt that the rise in GRC numbers would impact on data on the gender pay gap, even though this is based on self-reporting of gender. There was a belief that because some trans women had lived as men for part of their working lives, they were likely to have been paid more, and that this would skew any statistics on pay and gender. Finally, some respondents believed that including trans people in medical

statistics would hamper research into factors contributing to a variety of health conditions.

It should be noted that respondents were predominantly concerned about how data of trans women was recorded, and were less concerned about data relating to trans men. A few respondents with statistical expertise highlighted the current practice of gender self-reporting, the low prevalence of being trans (and its statistical (in)significance in diverse datasets), and the balancing out as a result of trans women *and* men self-reporting their acquired gender.

Most impact on trans people rather than wider society

Some respondents felt that any changes to the GRA would affect trans people much more than wider society. They felt that for trans people the changes would be extremely positive. They thought that making it easier to obtain a GRC would strongly benefit trans people by allowing them to receive recognition for who they were, but that the impact on society as a whole would be minimal. Respondents also regularly stated that the Equality Act was not going to be changed, which was important because they felt that the Act provided sufficient protection for trans people, women and other groups of people with protected characteristics. They thought the public debate that accompanied the GRA consultation revolved around topics that, in reality, would see little or no impact. Some trans respondents also expressed their disappointment that since the introduction of the Equality Act in 2010, very little had changed for them in society, despite the provisions in the Act to protect trans people.

Hopes for GRA reform to cause positive change in wider society

A few respondents, while feeling that changes to the GRA were unlikely to make any difference in society more broadly, expressed hope for eventual changes. Topics discussed included pensions, parental leave, and non-binary recognition. It was felt that debate around the reform of the GRA had highlighted issues of equality in relation to pensions, and the importance of further equalising pension ages and payments. Parental leave was also widely discussed, with respondents acknowledging that trans men may become pregnant and give birth. It was felt that maternity benefits available to women should also benefit trans men. Finally, respondents hoped that changes to the GRA would eventually lead to legal recognition for non-binary people, as well as more gender-neutral spaces alongside single-sex and separate-sex spaces.

Other comments and responses

Some of those who felt that GRA reform would affect wider society raised concerns about awards and bursaries aimed specifically at women. Medical screening was also discussed as an area for concern, with respondents perceiving that any changes to the GRA would influence conversations around women's bodies, and some arguing that women would be "erased" from campaigns for medical screening. Other respondents, however, raised hopes that GRA reform would lead to more inclusion of trans men and women in appropriate screening, as they were currently more likely to miss out on this. It was felt that more could be done to ensure that trans, non-binary and intersex people had access to appropriate screening services.

Respondents also discussed the ways in which most spheres of life used other forms of identification rather than a birth certificate or a GRC. Some respondents suggested that streamlining the GRC process would demonstrate the Government's commitment to

equal rights for trans people. Other respondents highlighted that changing the GRC process would not increase the number of trans people. Some respondents felt that they were not sure what the impact of changes of the GRA would be, and they stated that there needed to be a wider public debate about the possible implications.

23. Question 20: Non-binary gender recognition

The Government defines a non-binary person as someone who has a gender identity that is neither exclusively male nor female. Those with a non-binary gender identity may feel like they are, to some degree, both a man and a woman; that they are neither a man nor a woman; or that their gender identity is something altogether more fluid. The consultation used the term non-binary as an umbrella term to encompass a range of minority gender identities, such as genderfluid, agender and genderqueer.

In UK law individuals are considered to be the sex that is registered on their birth certificate – either male or female. The GRA provides a means for transgender people to change the sex on their birth certificate, but there is currently no provision for those who do not identify as male or female.

The consultation did not bring forward any proposals to extend the GRA to provide legal recognition to a third, or non-binary, gender. The Government acknowledged that there seemed to be an increasing number of people who identified as non-binary, but noted that there were complex practical consequences for other areas of the law, service provision and public life if provision were to be made for non-binary gender recognition in the GRA. The consultation sought respondents’ initial views on the complex issue of non-binary recognition. This chapter provides an overview of those views.

23.1 Question 20 – quantitative analysis

Question 20: Do you think that there need to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

If you would like to, please expand upon your answer.

	Total	Valid
Yes	58.2%	64.7%
No	31.7%	35.3%
Not answered	10.0%	-
<i>Respondents</i>	102,820	92,520

A high proportion (90%) of consultation respondents provided an answer to this question, with a majority (64.7%) saying that changes needed to be made to the GRA to accommodate individuals who identified as non-binary.

There was some variation in responses by location, with respondents in Scotland and England the most likely to support changes to the GRA to accommodate non-binary individuals (70.3% and 65.6% respectively), compared to respondents in Northern Ireland and Wales (55% and 58.8% respectively) (see Annex Table B49).

There was strong variation in responses depending on the channel through which they were submitted. Responses received through Fair Play for Women template and Stonewall were highly polarised, with 100% of the former against changes to the GRA to accommodate non-binary individuals, and 97.9% of the latter in favour of changes. Responses received via official government channels were more evenly split, but with a majority (61.3%) in favour of changes (see Annex Table B50). The question was not included in the Level Up form, so no responses to the question were received via this route.

There was some variation between individual and organisational responses, with organisations more likely (76.3%) to favour changes to the GRA to accommodate non-binary people than those responding as individuals (64.7%)

23.2 Question 20 – qualitative analysis

Of those that responded “Yes” to this question, 36,460 made further comments. Of those that responded “No”, 27,590 made further comments. Respondents to this question commonly raised the following points in their responses.

The existence of non-binary people

Many respondents, including trans and LGBT organisations, noted the relatively large size of the non-binary population and therefore the importance of this group of people:

“The existence of non-binary people has been recognised for many years. Recently, surveys in The Netherlands and Belgium have indicated that the non-binary population is three to four times bigger than the binary trans population, possibly up to 3% or 4%.” (Organisational email response - Gender Identity Research and Education Society)

“A lack of non-binary inclusion leaves a significant portion of the trans population without any legal recognition. People generally do not experience and perceive their gender identities according to one standardized pattern. Transgender people, whose innate sense of their own gender identities differs from the sex they were assigned at birth, also experience and express their gender identity according to a variety of patterns. Of the respondents to the National LGBT survey who identified as trans, 52% identified as non-binary.” (Organisational online response - Amnesty International)

There was general support for non-binary people among LGBT and many women’s organisations, with the Women’s Equality Network (WEN) Wales and Kaleidoscope Trust, for example, arguing for an extension of rights for non-binary people based on their population size. However, this opinion was not shared by all organisations; the Lesbian Rights Alliance and Fair Play for Women argued that there were only two sexes, and that that was a “biological reality”.

Effects of the lack of non-binary gender recognition

There was a commonly-voiced concern about the unprotected position of non-binary people. Many respondents thought a lack of legal recognition might expose non-binary people to discrimination and abuse, leaving them particularly vulnerable to hate crime and feelings of not being valid, with a resultant negative impact on their wellbeing. The

majority of these responses shared, or mirrored, key sections of Stonewall’s guidance. Many respondents suggested that the lack of legal protection may add to vulnerability, fear or anxiety amongst the non-binary population.

“Currently you can only be legally recognised as male or female. This does not work for non-binary people. This means a large group of people face inequalities and discrimination because their identity is not recognised in law.” (Individual email response)

Trans individuals who identified as non-binary stated that they often found themselves in the position of lying about their gender in order to avoid problems when using general support services. This feeling of lying was particularly acute when people were required to fill in their legal sex (the one registered on their birth certificate), which did not coincide with their (non-binary) gender identity.

“In order for my employer to use the PAYE system, I must disclose my legal sex to them. This has been used against me to claim that I am not non-binary and am really a (insert a common term for my legal sex).” (Individual online response - Citizen Space)

For this reason, non-binary recognition was frequently linked to human rights, with the assertion that protection should be extended to non-binary people. These respondents often also pointed to a similar lack of legal recognition for non-binary people in other countries. Respondents often noted the many areas of life where non-binary people lacked legal recognition and protection:

“Non-binary genders need full recognition of their gender identity. I want to be recognized in my true gender in official documentation and travel, pick up parcels, marry, etc free of worry. I don't really know what to say here other than I'm non-binary and I shouldn't have to prove my reality and existence.” (Individual online response - Citizen Space)

Effects of non-binary gender recognition

A commonly-voiced opinion among those who favoured reform to the GRA to recognise non-binary gender, was that many non-binary people lived in a form of social, legal and medical “limbo”. A number of these respondents said they were worried that the absence of legal recognition served to de-legitimise, or even “erase” valid identities, and that legally recognising non-binary identities would stop that process.

“Non-binary people will never be able to identify themselves as female or male. Therefore it is unfair to continue to expect them to when they access public services as this is humiliating and disempowering. The implications of this will be enormous but I feel that as we are making progress with LGBT issues then this has to be another area where we seek social and cultural change – it does not make sense to me to ignore this issue. And at the moment, the GRA seems to be the best/only place where formalising this new gender ‘category’ can start.” (Individual email response)

A number of respondents suggested that a statutory declaration should be sufficient for a non-binary person to change their legal gender. There were also a number of

responses which advocated legal gender recognition for non-binary people, but expressed uncertainty as to how this would could logistically and practically be achieved, as is further discussed below.

A less frequently-raised opinion was that non-binary recognition could be a “slippery slope”, leading to demands for recognition of other minority gender identities. Some women’s organisations were concerned about this point in particular, and suggested that a conflation of sex and gender could serve to oppress others. Across the women’s groups’ campaign responses, there was a general support for gender expression, but not for the inclusion of legal recognition for a different sex.

“We do not believe that the GRA is the best mechanism to accommodate these. The GRA allows an applicant to change their sex, not their gender (although the two terms are wrongly treated as coterminous within the statute). It is difficult to see how the GRA, even if reformed, would be capable of accommodating the array of individual conceptualisations of genders.

We are strongly in favour of protections in law for gender expression. Nobody should be penalised for presenting outside the social conventions attached to gender. However, we are also conscious that from a women's rights perspective, gender is a tool of oppression.” (Organisational email response - FiLiA)

However, some women’s groups were understanding of what the recognition would mean for the individual.

“Legal recognition would support the perceived legitimacy of their lived identities and may help alleviate the distress caused by not being recognised by society, law or by individuals - e.g. family members, employers, peers - who do not understand that the binary system of gender is not applicable to all people.” (Organisational online response - Women’s Equality Network (WEN) Wales)

The practical and logistical implications of non-binary gender recognition

Another major theme was the long-term implications of legally recognising non-binary genders. Some respondents showed an awareness of the high-level logistics involved, focusing more on IT and administrative systems than on UK legislation, which had a wide range of laws that applied (binary) gendered language. Respondents who supported non-binary gender recognition acknowledged that it would take substantial time and resources to alter IT, administrative and legal systems to accommodate non-binary gender options. A few respondents thought that accommodating non-binary gender recognition through GRA reform would happen too fast for the legal system.

“I recognise that the logistical implications of the recognition of non-binary identities within a system so heavily created with binary genders in mind are great.”
(Individual online response - Citizen Space)

“Changes in laws need to be thought through at length and should consider the long term implications to the individuals, their families and to society as a whole.”
(Individual online response - Citizen Space)

In a similar vein, some women’s organisations were concerned about the general ramifications of non-binary gender recognition:

“The primary marker should be sex. Sex data must continue to be collected to enable the proper provision of adequately funded services to meet the material needs of the population; to monitor sex discrimination and to enable the development of policy to address inequality. Any question on identifying as non-binary must exist as an additional question to the one about sex. To do otherwise would seriously inhibit the government in its executive obligations and duties.”
(Organisational online response - Woman’s Place UK)

Wider themes

Some respondents raised themes in relation to non-binary gender recognition more broadly, these included:

- **The use of pronouns** – responses of this type were often linked to respondents’ concerns about being “compelled” to use a person’s preferred pronouns, whilst they themselves did not agree with them or recognise them.
- **Religious opposition** – for some respondents, the opposition they were experiencing to legal recognition of non-binary identities was linked to their religious background.
- **Lack of access to support services** – a number of respondents reported that the lack of non-binary recognition made it harder for them to access support for stress and mental health issues, with a resulting impact on their social and physical wellbeing.
- **Awareness raising and education** – some respondents (who argued for legal recognition of non-binary people) said that awareness raising and education about non-binary lives and experiences would benefit to their overall recognition.

It should be noted that a number of respondents, both those who agreed and those who disagreed with gender recognition for non-binary people, expressed some degree of either confusion or disagreement with the terminology used in the consultation. Some were critical of the Government’s use of the term “non-binary”, while others felt that the Government was at risk of confusing sex and gender, and called for these terms to be separately defined in law.

24. Question 21: Experiences of people with variations in sex characteristics

The term intersex was used in the consultation document as an umbrella term for people with sex characteristics (hormones, chromosomes and external/internal reproductive organs) that differ from those typically expected of a male or a female. Other terms are used for this, such as variations in sex characteristics (VSC). The Government recently ran a call for evidence, seeking to gather further information on this issue, under the term VSC.¹⁷

For the purposes of the GRA consultation, the Government was interested in learning from and developing a better understanding of the experience of people with VSC in relation to the current legal gender recognition process, and sought their views on how the system could be improved. People with VSC who have had their sex incorrectly assigned at birth may want to make use of the gender recognition process in order to correct their birth certificate. However, the need for a diagnosis of gender dysphoria might prevent people with VSC from fulfilling the requirements. The Government wanted to learn more about VSC respondents' views on this, as well as any other recommendations for change that might support people with VSC in the legal gender recognition process.

This question first asked whether respondents themselves had a variation in their sex characteristics. It then asked two follow-up questions – the first about whether removing requirements for medical evidence would be beneficial to the respondent as a person with VSC, and the second asking what other changes respondents thought were necessary in order to benefit people with VSC.

24.1 Question 21(a) – quantitative analysis

Question 21(a): Do you have a variation in your sex characteristics?

	Total	Valid
Yes	0.9%	2.8%
No	30.2%	97.2%
Not answered	69.0%	-
<i>Respondents</i>	<i>102,820</i>	<i>31,920</i>

Overall, 31% of consultation respondents provided an answer to this question, with 2.8% of these saying that they had a variation in their sex characteristics.

¹⁷ <https://www.gov.uk/government/consultations/variations-in-sex-characteristics-call-for-evidence>

There did not appear to be any significant variation in responses to this question by location (see Annex Table B51).

There was some variation between responses submitted through different channels, with those responding through official government channels more likely (57.8%) to provide an answer to this question than those submitted via Stonewall (25.8%). Only a small proportion of respondents through either channel indicated having a variation in their sex characteristics (2.3% and 3.7% respectively) (see Annex Table B52). The question was not included in the Fair Play for Women template or the Level Up form, so no responses to the question were received via these routes.

Although this question was intended for individual respondents, people responding on behalf of organisations were just as likely (30.6%) as individual respondents (31.1%) to provide a response to this question, with organisational respondents slightly more likely (6.5%) to indicate having a variation in their sex characteristics than individuals (2.7%). This may indicate that organisational respondents were answering in a personal capacity, or on behalf of people they represented.

24.2 Questions 21(b) and 21(c) – qualitative analysis

Question 21(b): As outlined in Question 3, the Government wants to understand whether there should be any requirement in the future for a report detailing a diagnosis of gender dysphoria and any requirement for a report detailing treatment received.

Would removing these requirements be beneficial to you?

Question 21(c): What other changes do you think are necessary to the GRA in order to benefit intersex people?

Of those that responded “Yes” to this question, 583 made further comments on 21(b) and 380 on 21(c). Of those that responded “No”, 2,090 made further comments on 21(b) and 4,250 made further comments on 21(c). For the purposes of analysis, responses to these questions were considered together, with key themes set out below.

Question 21(b) was intended for respondents who had a variation of sex characteristics, while question 21(c) was open to all respondents. It was apparent, however, that a number of respondents who did not have a variation in their sex characteristics had provided an answer to question 21(b). Some respondents also suggested that question 21(a) was poorly worded and could result in confusion about what a variation in sex characteristics was. During the analysis of responses, it became clear that some respondents who did not have a variation of sex characteristics had interpreted this question more in terms of non-binary gender identities. Due to the conflation between the two issues, analysis of responses to this question should be treated with some caution.

Benefit of removing medical reports requirements in the GRA

Most of the responses to this question were in favour of removing the GRC requirement for medical reports, because this would make it easier for people with variations of sex

characteristics who had been assigned the incorrect sex at birth to correct their birth certificate. Some respondents with a variation of sex characteristics said that they were comfortable with the sex on their birth certificate, and therefore the proposed changes to the GRA requirements would not provide any benefit to them.

Some organisations were in favour of making the process less medicalised (by reducing the burden of proof), in order to make the GRC process more streamlined and timelier for individuals.

“Reduced burdens of proof in GRA would ensure timely legal recognition, supporting the individuals to live healthy lives.” (Organisational online response - Royal Navy Compass)

Personal experiences

Some respondents shared their personal experiences of how being diagnosed as having a variation in sex characteristics at birth had affected them. Whilst this number was small in relation to the total number of respondents, their responses were significant in the sense that they provided detailed experience and examples. This included comments about being assigned to a “best guess” binary gender category, which had left them dealing with a variety of consequences that had a negative impact on their lives. Some respondents reported being unable to obtain a GRC, because they could not acquire or were not eligible for a gender dysphoria diagnosis. They emphasised that people with VSC in these circumstances were not transitioning, but correcting a genuine error that was made in difficult circumstances by their parents and clinicians.

Among these respondents were some who also provided examples of how their ability to get married or go through similar legal processes had been affected by them having a birth certificate issued in the incorrect sex, and which did not make any reference to them being born with a variation in sex characteristics. Respondents reported that they struggled to obtain evidence of their diagnosis which stated their variation in sex characteristics, which delayed legal processes, including marriage. It was also reported that the process caused some of them to re-live previous traumas, including past medical treatment and their initial discovery that they had a variation in sex characteristics.

Third option on the birth certificate

A number of respondents speculated that the inclusion of a “third option” on birth certificates might help to ease the pressure for doctors and parents to make a clear decision on gender at birth (or shortly after) for those born with a variation in sex characteristics. Amongst these respondents there appeared to be different interpretations of the term “variation of sex characteristics”, with some respondents proposing a third “non-binary” option on birth certificates, and others an ‘intersex’ option. It should be noted there is a difference between adding a third option on a birth certificate for new-borns, and potentially amending the sex marker on an existing birth certificate to a non-binary option under a legal gender recognition system, but the distinction between these two points was not always clear in some consultation responses.

Two different legal gender recognition processes

A less frequently raised point related to the conflation between trans and intersex in society, and the assumption that people with variations in sex characteristics can easily go through the GRC process. Some respondents who raised this took the view that there should be different gender recognition processes for each of these two groups, because there were different reasons for applying for gender recognition. They felt that for those whose sex was ambiguous when they were born, it was unreasonable to expect them to have to go through a complex bureaucratic process to correct what they saw as a simple and understandable error. Some referred to their human right to be acknowledged in their correct gender, and that GRA reform should accommodate a legal system that reflects that right of people with a variation in sex characteristics.

“Parent’s [sic] with intersex babies make a difficult decision at a time when they just don’t know the answer. It should not then be such an ordeal for an intersex individual to rectify the mistake their parents had made.” (Individual online response - Stonewall)

Minimum age

Another prevalent opinion was that people with VSC under 18 should not be restricted in their gender recognition, including the number of times they could change their sex on their birth certificate. One of the most common reasons people gave for this was that young people experienced changes, for example as a result of puberty, entailing both mental and physical developments. It was argued that during this period young people with VSC may find that certain characteristics become more pronounced and start to feel differently about their physical characteristics. Some respondents contextualised legal gender recognition for these young people in terms of other obstacles in their lives, and highlighted what gender recognition would mean to them.

“Respect for a child’s identity is crucial in the development of a positive self-image, and the child’s right to identity is protected under Article 2 of the UN Convention on the Rights of the Child (UN CRC). Intersex children and adolescents are especially vulnerable to bullying and harassment at school. They face an increased risk of dropping out of school, of lack of education and, as a result, of poverty at an adult age. For an intersex child or adolescent whose gender identity does not match the sex/gender that was assigned to them at birth, legal gender recognition can be key to improving their standing towards peers and/or the school’s staff. With regards to the person’s future job life, legal gender recognition before the age of maturity also allows school certificates to be issued with the correct gender, hence diminishing the risk of having to explain mismatches in the future. Therefore, mature children and adolescents should be able to change their gender marker by a low-threshold procedure, based on self-determination” (Organisational online response - ILGA-Europe)

Wider themes

Some wider themes were raised by respondents in relation to variations in sex characteristics more widely. These included:

- **More research** – some respondents called for more consultation and research to be carried out with intersex people themselves when making changes to legislation that would affect them.

- **Ban on surgical procedures** – a less frequently-voiced opinion was that there should be a limit or ban on surgical procedures on children with variations in sex characteristics, with some suggesting that this could be incorporated into the GRA.
- **Equal rights** – respondents raised the lack of protection in the Equality Act 2010 for people with variations in their sex characteristics and emphasised the right that everyone should be treated equally.

25. Question 22: Further comments

The final question of the consultation asked respondents whether they had any further comments on the GRA and the Government’s proposal to make the gender recognition process less bureaucratic and intrusive for the people that use it. This chapter provides an overview of the responses received to this question.

Question 22 – qualitative analysis

Question 22: Do you have any further comments about the Gender Recognition Act 2004?

If you answered yes, please add your comments.

41,700 respondents made further comments on this question. Respondents to this question commonly raised the following points in their responses.

Consulting (non-trans) women

There was a noticeable concern from a number of respondents that women’s groups were not explicitly being involved in the consultation process, or in shaping future policy surrounding the GRA. One of the main arguments from this perspective was that reform of the GRA could potentially lead to abuse of the gender recognition process, arguing this would be detrimental to non-trans women’s rights.

“...women have been ignored...the government's view on this issue has been one-sided throughout, and does not reflect the view of wider society.” (Individual online response - Citizen Space)

Impact assessment

Related to this, many participants stated that the consultation had not addressed or asked about the impact of GRA reform on women, and other protected groups such as older people, disabled people, and those practicing a religious faith. The focus of the consultation document was felt to be almost entirely on trans people, with only a limited focus on assessing the impact on those with other protected characteristics. The Fair Play for Women campaign, for example, suggested that:

“A comprehensive, evidence-based equality impact assessment on all protected characteristics must be published before a draft bill is presented to parliament. All stakeholders must be engaged to get evidence of impact.” (Organisational online response - Fair Play for Women campaign response)

The position of minors

A number of respondents talked about the perceived impact of GRA reform on children and young people and their safeguarding. Respondents referred to what they saw as the public “promotion” and mainstreaming of trans identities (particularly in schools), an increasing tendency to validate children in their gender identity, and the influence of

social media. Much of this lay beyond the scope of legal gender recognition under the GRA.

Counter to this, a smaller number of respondents expressed concerns about not involving younger people in the consultation process, especially those who were aged 16 and 17. It was thought that there was a lack of consideration for younger people who were not currently eligible for legal gender recognition. Some organisations criticised the Government for ruling out the lowering of the minimum age beforehand.

Inaccessibility of the consultation

A common opinion amongst many respondents was that the language used in the GRA consultation should have been clearer and more accessible. Despite definitions being set out at the start of the consultation document, respondents often mentioned a need for clarification of terminology. A number of respondents commented that the consultation form was too complicated to fill in, and required a great deal of time, high level of literacy and deep understanding of the issues, which made it off-putting and difficult for people to engage with. There were also issues with accessing the consultation online, with high numbers of responses leading to the Citizen Space portal crashing for periods of time, and respondents not being able to access the form, which caused frustration for many. Some respondents experiencing these issues chose to email or post their response instead.

Conflation of terms

Some respondents commented that there was a conflated use of “gender” and “sex”, which they felt should be defined in legislation, with some respondents calling for the use of medical definitions based on biology and physical characteristics. Other respondents were concerned about the conflation between “trans”, “transgender” and “transsexual”.

Wider themes

Respondents also raised a number of other points in response to this question, covering a wide range of themes. These included:

- **Monitoring and evaluating new GRA legislation** – some commented that there should be a way of measuring the success or failure of the changes made to the GRA for both transgender and non-binary people, as well as for society as a whole.
- **Impact on those protected under belief and religion** – some respondents expressed concern that changes to the GRA could damage single-sex and separate-sex religious practice. Others suggested there was a lack of consultation with religious groups, and that this might negatively affect the way they would interact with the Government on future consultations.
- **Abuse received from campaign groups on both sides** – some respondents quoted examples of abuse they had received on social media, as well as examples of local campaign groups receiving threats from individuals, because of their position in the debate around legal gender recognition.
- **The role that the media play in this societal conversation** – some respondents were concerned about the role of the media and the impact it had on responses to

the consultation, and made reference to the spread of “fake news” and biased reporting from media outlets. They questioned if there were plans in place to help protect both sides from any such reporting if/when any changes were made to the GRA.

Annexes

Annex A: Summary of campaigns

As noted in Section 3.2, a number of campaigns that were co-ordinated by external groups or individuals were identified in responses to the consultation. Some of these were in the form of template responses, while other responses were directly or indirectly influenced by guidance that had been produced by others.

The analysis team were able to identify 17 different sources of such responses, led by the following organisations/groups and individuals, but there may have been other small-scale campaigns which could not be identified:

- Amnesty International UK
- Christian Concern
- The Christian Institute
- Fair Play for Women
- Gendered Intelligence
- Gender Identity Research & Education Society with Trans Equality Legal Initiative (GIRES-TELI)
- Involve
- Level Up
- LGBT Foundation
- Mermaids
- National Union of Students (NUS)
- Dr Ruth Pearce
- Stonewall
- Trans Allies Network – LGBT Labour
- The Pool
- Unison
- Women's Place

Due to some respondents only using selected parts of campaign responses, re-writing text, adding additional points, and mixing guidance from multiple campaigns, it was not possible to make an accurate calculation of the number of responses that were influenced by each campaign.

Table A1 sets out a summary of suggested responses to each consultation question for each of these campaigns. The table should be interpreted as follows:

Y – a recommendation to respond “Yes” to this closed-format question

N – a recommendation to respond “No” to this closed-format question

* – suggested text in response to a follow-up, or stand-alone open-format question

Table A1 - Summary of suggested responses to each consultation question, by campaign

	Question number																										
	1	2	3	4	5	6		7	8		9	10	11	12	13				14	15	16	17	18	19	20	21	22
						a	b		a	b					a	b	c	d									
Amnesty International UK	N		N*	N*	N*	N*	N*	N*	N*	Y*	N*		*	N*	N*				N*	N*	N*	N*	N*	N	Y*		*
Christian Concern			Y*	Y*	Y*	Y*	Y*	Y*							Y*										N*		*
The Christian Institute			Y*	Y*	Y*	Y*		Y*			N*				Y*				Y*	Y*		Y*		Y*	N*		*
Fair Play for Women			Y*	Y*	Y*	Y*		Y*	N		N*		*	Y*	Y*		*		Y*	Y*				Y*	N*		*
Gendered Intelligence	*	*	N*	N*				N*	Y*		N*		*												Y*	*	*
GIRES-TELI			N*	N*	N*	Y*	N	N*	N*	Y*	N*		*	N*	N*				N*	N*	N*	N*	N*	Y*	Y*		*
Involve			N*	N*	N*	N*		N*	Y*																Y*		*
Level Up			N*	N*	N*				Y*																		*
LGBT Foundation			N*	N*	N*	N*		N*	Y*		N*		*	N*	N*	*	*	*	N*	N*	N*	N*	N*	Y*	Y*		*

Reform of the Gender Recognition Act – Analysis of consultation responses

Mermaids		*	N*	N*	N*	N*		N*	N*		N*		*	N*	N*					N*	N*	N*	N*	Y*	Y*	N	*	
NUS			N*	N*	N*	N*		N*	Y*		N*														Y*		*	
Dr Ruth Pearce			N*	N*	N*	N*		N*	N*		N*		*	Y*	N*					N*	N*	N*	N*	N*	Y*	Y*	*	*
Stonewall			N*	N*	N*	Y*		N*	Y*		N*		*	N*	N*					N*	N*	N*	N*	N*	Y*	Y*		*
Trans Allies Network	N	N	N*	N*	N*	Y*	*	N*	Y*	*	N*		*	N*	N*	*				N*	N*	N*	N*	N*	N*	Y*	N	*
The Pool			N*	N*	N*	Y*	N*	N*	Y*		N*			N*	N*					N*	N*	N*	N*	N*	Y*	Y*		*
Unison			N*	N*	N*	Y*	N*	N*	Y*		N*		*	N*	N*					N*	N*	N*	N*	N*	N*	Y*		*
Women's Place			Y*	Y*	N*	Y*	Y*	Y*	N*		N*		*	Y*	Y*	*	*			Y*	Y*		Y*					*

Annex B: Data tables

Table B1 - Q1(a): If you are a trans person, have you previously applied, or are you currently applying, for a Gender Recognition Certificate?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	1.1%	5.5%	1.0%	5.4%	1.3%	7.4%	0.7%	4.2%	1.0%	6.9%	1.8%	5.9%
No	18.6%	94.5%	16.7%	94.6%	16.5%	92.6%	16.1%	95.8%	13.9%	93.1%	28.4%	94.1%
Not Answered	80.3%	-	82.4%	-	82.2%	-	83.2%	-	85.0%	-	69.9%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>20,220</i>	<i>74,940</i>	<i>13,220</i>	<i>3,270</i>	<i>580</i>	<i>6,580</i>	<i>1,100</i>	<i>780</i>	<i>120</i>	<i>17,260</i>	<i>5,200</i>

Table B2 - Q1(a): If you are a trans person, have you previously applied, or are you currently applying, for a Gender Recognition Certificate?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	1.1%	5.5%	2.8%	10.2%	1.8%	5.7%	-	-	-	-	1.1%	5.3%
No	18.5%	94.5%	24.3%	89.8%	30.5%	94.3%	-	-	-	-	19.2%	94.7%
Not Answered	80.4%	-	72.9%	-	67.7%	-	100.0%	-	100.0%	-	79.7%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>20,040</i>	<i>650</i>	<i>180</i>	<i>37,140</i>	<i>12,000</i>	<i>18,370</i>	<i>-</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>8,230</i>

Table B3 - Q1(b): If you have applied, were you successful in obtaining a Gender Recognition Certificate?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	52.2%	60.4%	51.4%	59.9%	51.2%	52.4%	50.0%	62.2%	50.0%	57.1%	54.8%	62.5%
Awaiting Decision	24.0%	27.7%	23.0%	26.8%	37.2%	38.1%	23.9%	29.7%	25.0%	28.6%	24.3%	27.7%
No	10.3%	11.9%	11.4%	13.3%	9.3%	9.5%	6.5%	8.1%	12.5%	14.3%	8.5%	9.7%
Not Answered	13.5%	-	14.2%	-	2.3%	-	19.6%	-	12.5%	-	12.5%	-
<i>Number of respondents</i>	1,110	960	710	610	40	40	50	40	*	*	310	270

Table B4 - Q1(b): If you have applied, were you successful in obtaining a Gender Recognition Certificate?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	52.5%	60.5%	38.9%	53.8%	58.2%	66.3%	-	-	-	-	42.8%	50.7%
Awaiting Decision	24.2%	27.9%	11.1%	15.4%	21.3%	24.2%	-	-	-	-	28.2%	33.4%
No	10.1%	11.7%	22.2%	30.8%	8.4%	9.5%	-	-	-	-	13.4%	15.9%
Not Answered	13.2%	-	27.8%	-	12.2%	-	-	-	-	-	15.5%	-
<i>Number of respondents</i>	1,100	950	20	10	680	600	-	-	-	-	430	370

Table B5 - Q3: Do you think there should be a requirement in the future for a diagnosis of gender dysphoria?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	35.5%	35.9%	33.9%	34.2%	40.4%	41.2%	29.4%	29.5%	44.6%	45.0%	43.2%	44.7%
No	63.2%	64.1%	65.1%	65.8%	57.8%	58.8%	70.2%	70.5%	54.6%	55.0%	53.5%	55.3%
Not Answered	1.4%	-	1.0%	-	1.8%	-	0.4%	-	0.8%	-	3.3%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>101,420</i>	<i>74,940</i>	<i>74,200</i>	<i>3,270</i>	<i>3,210</i>	<i>6,580</i>	<i>6,550</i>	<i>780</i>	<i>770</i>	<i>17,260</i>	<i>16,690</i>

Table B6 - Q3: Do you think there should be a requirement in the future for a diagnosis of gender dysphoria?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	35.5%	36.0%	23.0%	25.9%	44.9%	46.2%	100.0%	100.0%	4.0%	4.0%	2.8%	2.8%
No	63.2%	64.0%	65.8%	74.1%	52.3%	53.8%	-	-	95.7%	96.0%	96.4%	97.2%
Not Answered	1.3%	-	11.2%	-	2.8%	-	-	-	0.3%	-	0.8%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>100,840</i>	<i>650</i>	<i>580</i>	<i>37,140</i>	<i>36,100</i>	<i>18,370</i>	<i>18,370</i>	<i>6,810</i>	<i>6,790</i>	<i>40,500</i>	<i>40,160</i>

Table B7 - Q4: Do you also think there should be a requirement for a report detailing treatment received?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	15.7%	19.7%	12.4%	15.8%	14.5%	19.8%	6.5%	8.3%	12.5%	18.4%	33.8%	38.0%
No	64.0%	80.3%	65.8%	84.2%	58.7%	80.2%	71.0%	91.7%	55.4%	81.6%	55.0%	62.0%
Not Answered	20.3%	-	21.9%	-	26.8%	-	22.6%	-	32.1%	-	11.2%	-
<i>Number of respondents</i>	102,820	81,900	74,940	58,560	3,270	2,390	6,580	5,090	780	530	17,260	15,330

Table B8 - Q4: Do you also think there should be a requirement for a report detailing treatment received?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	15.6%	19.6%	18.4%	21.9%	40.6%	42.7%	0.0%	100.0%	4.0%	4.0%	1.9%	1.9%
No	64.0%	80.4%	65.5%	78.1%	54.4%	57.3%	-	-	95.7%	96.0%	96.5%	98.1%
Not Answered	20.4%	-	16.1%	-	5.0%	-	100.0%	-	0.3%	-	1.7%	-
<i>Number of respondents</i>	102,170	81,350	650	550	37,140	35,270	18,370	*	6,810	6,790	40,500	39,830

Table B9 - Q5(a): Do you agree that an applicant should have to provide evidence that they have lived in their acquired gender for a period of time before applying?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	17.0%	21.4%	13.8%	17.7%	15.8%	21.7%	8.2%	10.6%	13.0%	19.4%	34.5%	38.9%
No	62.5%	78.6%	64.1%	82.3%	57.1%	78.3%	69.4%	89.4%	54.2%	80.6%	54.0%	61.1%
Not Answered	20.5%	-	22.1%	-	27.1%	-	22.4%	-	32.8%	-	11.5%	-
<i>Number of respondents</i>	102,820	81,700	74,940	58,410	3,270	2,380	6,580	5,100	780	520	17,260	15,280

Table B10 - Q5(a): Do you agree that an applicant should have to provide evidence that they have lived in their acquired gender for a period of time before applying?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	17.0%	21.4%	18.4%	22.3%	41.2%	43.8%	-	-	3.6%	3.6%	4.8%	4.8%
No	62.5%	78.6%	64.0%	77.7%	52.9%	56.2%	-	-	96.0%	96.4%	93.9%	95.2%
Not Answered	20.6%	-	17.6%	-	5.9%	-	100.0%	-	0.5%	-	1.3%	-
<i>Number of respondents</i>	102,170	81,160	650	540	37,140	34,940	18,370	-	6,810	6,780	40,500	39,980

Table B11 - Q5(c): If you answered 'Yes' to [Q5(a)], what length of time should an applicant have to provide evidence for?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Two Years or More	58.9%	63.3%	57.3%	62.0%	57.6%	63.0%	46.4%	51.6%	60.4%	64.9%	62.9%	66.7%
Between One Year and Two Years	18.2%	19.6%	17.8%	19.2%	17.4%	19.0%	21.6%	24.1%	16.8%	18.1%	18.7%	19.8%
Between Six Months and One Year	11.0%	11.8%	11.8%	12.7%	10.4%	11.4%	16.3%	18.1%	12.9%	13.8%	9.2%	9.7%
Six Months or Less	4.9%	5.3%	5.6%	6.1%	6.0%	6.6%	5.5%	6.2%	3.0%	3.2%	3.6%	3.8%
Not Answered	7.0%	-	7.5%	-	8.5%	-	10.2%	-	6.9%	-	5.6%	-
<i>Number of respondents</i>	<i>17,470</i>	<i>16,250</i>	<i>10,360</i>	<i>9,580</i>	<i>520</i>	<i>470</i>	<i>540</i>	<i>490</i>	<i>100</i>	<i>90</i>	<i>5,950</i>	<i>5,620</i>

Table B12 - Q5(c): If you answered 'Yes' to [Q5(a)], what length of time should an applicant have to provide evidence for?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Two Years or More	58.8%	63.3%	70.6%	74.3%	65.3%	68.2%	-	-	-	-	15.8%	19.1%
Between One Year and Two Years	18.3%	19.6%	8.4%	8.8%	17.8%	18.6%	-	-	-	-	23.2%	28.0%
Between Six Months and One Year	11.0%	11.8%	8.4%	8.8%	9.2%	9.6%	-	-	-	-	27.0%	32.5%
Six Months or Less	4.9%	5.3%	7.6%	8.0%	3.5%	3.7%	-	-	-	-	16.8%	20.3%
Not Answered	7.0%	-	5.0%	-	4.2%	-	-	-	100.0%	-	17.1%	-
<i>Number of respondents</i>	<i>17,350</i>	<i>16,140</i>	<i>120</i>	<i>110</i>	<i>15,300</i>	<i>14,650</i>	<i>-</i>	<i>-</i>	<i>240</i>	<i>-</i>	<i>1,930</i>	<i>1,600</i>

Table B13 - Q6(a): Do you think this requirement [statutory declaration] should be retained, regardless of what other changes are made to the gender recognition system?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	57.1%	83.5%	56.7%	86.2%	53.0%	86.4%	60.6%	89.0%	52.0%	84.8%	58.7%	72.1%
No	11.3%	16.5%	9.1%	13.8%	8.4%	13.6%	7.5%	11.0%	9.3%	15.2%	22.7%	27.9%
Not Answered	31.6%	-	34.2%	-	38.6%	-	31.8%	-	38.7%	-	18.5%	-
<i>Number of respondents</i>	102,820	70,350	74,940	49,320	3,270	2,010	6,580	4,480	780	480	17,260	14,060

Table B14 - Q6(a): Do you think this requirement [statutory declaration] should be retained, regardless of what other changes are made to the gender recognition system?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	57.2%	83.6%	53.1%	67.6%	63.5%	69.5%	-	-	-	-	86.8%	96.6%
No	11.2%	16.4%	25.4%	32.4%	27.8%	30.5%	-	-	-	-	3.1%	3.4%
Not Answered	31.6%	-	21.4%	-	8.7%	-	100.0%	-	100.0%	-	10.1%	-
<i>Number of respondents</i>	102,170	69,830	650	510	37,140	33,920	18,370	-	6,810	-	40,500	36,420

Table B15 - Q6(b): If you answered yes to [Q6(a)], do you think that the statutory declaration should state that the applicant intends to 'live permanently in the acquired gender until death'?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	44.6%	47.2%	42.3%	44.9%	47.8%	50.4%	35.1%	37.2%	44.7%	47.4%	57.2%	60.0%
No	49.8%	52.8%	51.9%	55.1%	47.0%	49.6%	59.2%	62.8%	49.6%	52.6%	38.1%	40.0%
Not Answered	5.6%	-	5.8%	-	5.2%	-	5.6%	-	5.7%	-	4.7%	-
<i>Number of respondents</i>	58,760	55,480	42,490	40,040	1,730	1,640	3,990	3,760	400	380	10,140	9,660

Table B16 - Q6(b): If you answered yes to [Q6(a)], do you think that the statutory declaration should state that the applicant intends to 'live permanently in the acquired gender until death'?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	44.6%	47.2%	43.8%	49.2%	61.5%	64.2%	-	-	-	-	33.2%	35.5%
No	49.9%	52.8%	45.2%	50.8%	34.3%	35.8%	-	-	-	-	60.3%	64.5%
Not Answered	5.5%	-	11.0%	-	4.2%	-	-	-	-	-	6.5%	-
<i>Number of respondents</i>	58,410	55,170	350	310	23,580	22,590	-	-	-	-	35,170	32,890

Table B17 - Q7: The Government is keen to understand more about the spousal consent provisions for married persons in the Gender Recognition Act. Do you agree with the current provisions?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	10.7%	15.1%	8.5%	12.3%	9.8%	15.3%	4.6%	6.5%	8.5%	13.7%	22.9%	28.5%
No	60.0%	84.9%	60.4%	87.7%	54.3%	84.7%	65.9%	93.5%	53.5%	86.3%	57.6%	71.5%
Not Answered	29.3%	-	31.1%	-	35.9%	-	29.5%	-	37.9%	-	19.5%	-
<i>Number of respondents</i>	102,820	72,730	74,940	51,620	3,270	2,090	6,580	4,640	780	480	17,260	13,900

Table B18 - Q7: The Government is keen to understand more about the spousal consent provisions for married persons in the Gender Recognition Act. Do you agree with the current provisions?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	10.7%	15.1%	14.7%	18.3%	28.6%	32.2%	-	-	-	-	0.9%	1.0%
No	60.0%	84.9%	65.7%	81.7%	60.1%	67.8%	-	-	-	-	97.2%	99.0%
Not Answered	29.3%	-	19.6%	-	11.2%	-	100.0%	-	100.0%	-	1.8%	-
<i>Number of respondents</i>	102,170	72,200	650	530	37,140	32,960	18,370	-	6,810	-	40,500	39,770

Table B19 - Q8(a): Do you think the fee should be removed from the process of applying for legal gender recognition?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	23.9%	58.5%	20.9%	60.6%	19.9%	57.9%	18.0%	68.9%	16.3%	56.5%	40.1%	52.9%
No	17.0%	41.5%	13.6%	39.4%	14.5%	42.1%	8.2%	31.1%	12.5%	43.5%	35.7%	47.1%
Not Answered	59.2%	-	65.6%	-	65.6%	-	73.8%	-	71.2%	-	24.2%	-
<i>Number of respondents</i>	102,820	41,970	74,940	25,810	3,270	1,120	6,580	1,720	780	220	17,260	13,090

Table B20 - Q8(a): Do you think the fee should be removed from the process of applying for legal gender recognition?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	23.8%	58.4%	40.4%	63.8%	46.3%	51.6%	-	-	86.2%	86.5%	3.6%	78.7%
No	16.9%	41.6%	23.0%	36.2%	43.4%	48.4%	-	-	13.4%	13.5%	1.0%	21.3%
Not Answered	59.3%	-	36.6%	-	10.3%	-	100.0%	-	0.4%	-	95.4%	-
<i>Number of respondents</i>	102,170	41,560	650	410	37,140	33,320	18,370	-	6,810	6,790	40,500	1,870

Table B21 - Q8(b): If you answered no to [Q8(a)], do you think the fee should be reduced?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	31.1%	35.3%	31.8%	36.8%	30.7%	35.1%	35.3%	41.4%	22.7%	25.6%	29.7%	32.8%
No	56.9%	64.7%	54.7%	63.2%	56.7%	64.9%	49.8%	58.6%	66.0%	74.4%	60.9%	67.2%
Not Answered	12.1%	-	13.5%	-	12.7%	-	14.9%	-	11.3%	-	9.4%	-
<i>Number of respondents</i>	17,430	15,330	10,160	8,790	470	410	540	460	100	90	6,170	5,590

Table B22 - Q8(b): If you answered no to [Q8(a)], do you think the fee should be reduced?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	31.0%	35.2%	42.0%	47.0%	31.5%	34.0%	-	-	-	-	84.6%	88.9%
No	56.9%	64.8%	47.3%	53.0%	61.2%	66.0%	-	-	-	-	10.6%	11.1%
Not Answered	12.1%	-	10.7%	-	7.3%	-	-	-	100.0%	-	4.8%	-
<i>Number of respondents</i>	17,280	15,200	150	130	16,120	14,950	-	-	910	-	400	380

Table B23 - Q9: Do you think the privacy and disclosure of information provisions in section 22 of the Gender Recognition Act are adequate?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	12.0%	26.6%	9.3%	22.6%	10.5%	22.6%	6.8%	18.7%	8.4%	16.3%	26.5%	40.1%
No	33.1%	73.4%	31.7%	77.4%	36.1%	77.4%	29.7%	81.3%	43.0%	83.7%	39.6%	59.9%
Not Answered	54.8%	-	59.0%	-	53.3%	-	63.5%	-	48.6%	-	33.9%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>46,460</i>	<i>74,940</i>	<i>30,720</i>	<i>3,270</i>	<i>1,530</i>	<i>6,580</i>	<i>2,400</i>	<i>780</i>	<i>400</i>	<i>17,260</i>	<i>11,420</i>

Table B24 - Q9: Do you think the privacy and disclosure of information provisions in section 22 of the Gender Recognition Act are adequate?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	12.0%	26.6%	16.8%	29.5%	32.9%	44.3%	-	-	-	-	0.4%	32.6%
No	33.1%	73.4%	40.3%	70.5%	41.4%	55.7%	100.0%	100.0%	-	-	0.8%	67.4%
Not Answered	54.9%	-	42.9%	-	25.7%	-	0.0%	-	100.0%	-	98.8%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>46,080</i>	<i>650</i>	<i>370</i>	<i>37,140</i>	<i>27,590</i>	<i>18,370</i>	<i>18,360</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>500</i>

Table B25 - Q10: If you are someone who has, or would want to undergo legal gender transition, and you have one or more of the protected characteristics, which protected characteristics apply to you?

	All respondents	Location				
		England	Wales	Scotland	Northern Ireland	Other/Uncategorisable
	Total	Total	Total	Total	Total	Total
Age	4.7%	4.5%	4.8%	4.1%	3.5%	5.8%
Disability	3.2%	2.6%	3.1%	2.6%	3.5%	6.0%
Gender reassignment	4.1%	3.4%	3.6%	2.9%	3.0%	7.8%
Marriage	1.3%	1.0%	1.0%	0.9%	1.0%	2.7%
Pregnancy	0.4%	0.3%	0.2%	0.3%	0.4%	1.0%
Race	1.0%	0.8%	0.4%	0.6%	0.0%	2.3%
Religion	1.3%	1.0%	1.1%	0.7%	0.8%	3.0%
Sex	3.2%	2.4%	2.6%	1.8%	2.2%	7.1%
Sexual orientation	5.1%	3.9%	4.4%	3.1%	3.7%	10.9%
<i>Number of respondents</i>	<i>102,820</i>	<i>74,940</i>	<i>3,270</i>	<i>6,580</i>	<i>780</i>	<i>17,260</i>

Table B26 - Q10: If you are someone who has, or would want to undergo legal gender transition, and you have one or more of the protected characteristics, which protected characteristics apply to you?

	Response type		Source			
	Individual	Organisational	Official Government Channels	Fair Play for Women	Level Up	Stonewall
	Total	Total	Total	Total	Total	Total
Age	4.7%	8.1%	5.5%	-	-	6.9%
Disability	3.2%	5.4%	6.4%	-	-	2.2%
Gender reassignment	4.1%	7.4%	9.0%	-	-	2.1%
Marriage	1.2%	4.3%	3.1%	-	-	0.4%
Pregnancy	0.4%	2.1%	1.0%	-	-	0.1%
Race	1.0%	3.8%	2.4%	-	-	0.3%
Religion	1.3%	5.2%	3.6%	-	-	0.1%
Sex	3.2%	6.7%	8.2%	-	-	0.6%
Sexual orientation	5.0%	8.4%	12.7%	-	-	1.2%
<i>Number of respondents</i>	<i>102,170</i>	<i>650</i>	<i>37,140</i>	<i>18,370</i>	<i>6,810</i>	<i>40,500</i>

Table B27 - Q12: Do you think that the participation of trans people in sport, as governed by the Equality Act 2010, will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.4%	71.7%	31.5%	75.1%	36.6%	77.4%	29.0%	78.0%	43.0%	85.6%	41.8%	60.4%
No	13.2%	28.3%	10.5%	24.9%	10.7%	22.6%	8.2%	22.0%	7.2%	14.4%	27.4%	39.6%
Not Answered	53.5%	-	58.0%	-	52.7%	-	62.8%	-	49.8%	-	30.8%	-
<i>Number of respondents</i>	102,820	47,830	74,940	31,500	3,270	1,550	6,580	2,450	780	390	17,260	11,950

Table B28 - Q12: Do you think that the participation of trans people in sport, as governed by the Equality Act 2010, will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.4%	71.9%	22.5%	43.0%	42.5%	54.6%	100.0%	100.0%	-	-	0.4%	27.6%
No	13.1%	28.1%	29.9%	57.0%	35.3%	45.4%	-	-	-	-	1.0%	72.4%
Not Answered	53.5%	-	47.6%	-	22.3%	-	-	-	100.0%	-	98.6%	-
<i>Number of respondents</i>	102,170	47,490	650	340	37,140	28,880	18,370	18,370	6,810	-	40,500	590

Table B29 - Q13(a): Do you think that the operation of the single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.5%	39.8%	32.0%	37.8%	38.6%	45.5%	28.9%	32.7%	42.7%	49.1%	40.4%	50.3%
No	50.6%	60.2%	52.6%	62.2%	46.3%	54.5%	59.5%	67.3%	44.3%	50.9%	39.9%	49.7%
Not Answered	15.8%	-	15.4%	-	15.0%	-	11.6%	-	13.0%	-	19.7%	-
<i>Number of respondents</i>	102,820	86,540	74,940	63,410	3,270	2,780	6,580	5,810	780	670	17,260	13,870

Table B30 - Q13(a): Do you think that the operation of the single-sex and separate-sex service exceptions in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.6%	39.9%	20.7%	27.3%	41.3%	50.6%	100.0%	100.0%	-	-	1.9%	2.0%
No	50.6%	60.1%	55.0%	72.7%	40.4%	49.4%	-	-	-	-	91.5%	98.0%
Not Answered	15.8%	-	24.3%	-	18.3%	-	-	-	100.0%	-	6.6%	-
<i>Number of respondents</i>	102,170	86,040	650	490	37,140	30,340	18,370	18,370	6,810	-	40,500	37,830

Table B31 - Q13(b): If you provide a single or separate sex service, do you feel confident in interpreting the Equality Act 2010 with regard to these exemptions?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	3.7%	43.5%	3.4%	44.9%	3.3%	43.4%	3.4%	47.1%	3.2%	45.5%	5.1%	39.2%
No	4.8%	56.5%	4.2%	55.1%	4.3%	56.6%	3.8%	52.9%	3.9%	54.5%	8.0%	60.8%
Not Answered	91.5%	-	92.4%	-	92.3%	-	92.7%	-	92.9%	-	86.9%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>8,770</i>	<i>74,940</i>	<i>5,730</i>	<i>3,270</i>	<i>250</i>	<i>6,580</i>	<i>480</i>	<i>780</i>	<i>60</i>	<i>17,260</i>	<i>2,260</i>

Table B32 - Q13(b): If you provide a single or separate sex service, do you feel confident in interpreting the Equality Act 2010 with regard to these exemptions?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	3.7%	43.3%	11.5%	60.0%	5.5%	41.0%	-	-	-	-	4.4%	46.8%
No	4.8%	56.7%	7.7%	40.0%	7.9%	59.0%	-	-	-	-	5.0%	53.2%
Not Answered	91.5%	-	80.9%	-	86.7%	-	100.0%	-	100.0%	-	90.6%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>8,650</i>	<i>650</i>	<i>130</i>	<i>37,140</i>	<i>4,960</i>	<i>18,370</i>	<i>-</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>3,820</i>

Table B33 - Q13(c): If you are a trans person who has experienced domestic abuse or sexual assault, were you able to access support?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	0.8%	24.6%	0.6%	23.7%	0.9%	27.6%	0.7%	24.2%	0.4%	16.7%	1.3%	26.7%
No	2.3%	75.4%	2.0%	76.3%	2.3%	72.4%	2.1%	75.8%	1.9%	83.3%	3.7%	73.3%
Not Answered	96.9%	-	97.4%	-	96.8%	-	97.2%	-	97.7%	-	94.9%	-
<i>Number of respondents</i>	102,820	3,170	74,940	1,980	3,270	110	6,580	190	780	20	17,260	870

Table B34 - Q13(c): If you are a trans person who has experienced domestic abuse or sexual assault, were you able to access support?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	0.8%	24.6%	1.4%	28.1%	1.3%	27.5%	-	-	-	-	0.7%	20.8%
No	2.3%	75.4%	3.5%	71.9%	3.5%	72.5%	-	-	-	-	2.7%	79.2%
Not Answered	96.9%	-	95.1%	-	95.1%	-	100.0%	-	100.0%	-	96.6%	-
<i>Number of respondents</i>	102,170	3,130	650	30	37,140	1,810	18,370	0	6,810	0	40,500	1,360

Table B35 - Q13(d): If you answered 'yes' to [Q13(c)], was this support adequate?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.8%	61.4%	26.7%	56.1%	27.6%	57.1%	20.0%	50.0%	66.7%	100.0%	51.1%	69.6%
No	21.2%	38.6%	20.9%	43.9%	20.7%	42.9%	20.0%	50.0%	-	0.0%	22.3%	30.4%
Not Answered	45.1%	-	52.5%	-	51.7%	-	60.0%	-	33.3%	-	26.6%	-
<i>Number of respondents</i>	780	430	470	220	30	10	50	20	*	*	230	170

Table B36 - Q13(d): If you answered 'yes' to [Q13(c)], was this support adequate?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	33.5%	61.3%	55.6%	71.4%	52.9%	61.4%	-	-	-	-	0.0%	-
No	21.2%	38.7%	22.2%	28.6%	33.2%	38.6%	-	-	-	-	0.0%	-
Not Answered	45.3%	-	22.2%	-	13.9%	-	-	-	-	-	100.0%	-
<i>Number of respondents</i>	770	420	*	*	500	430	-	-	-	-	280	-

Table B37 - Q14: Do you think that the operation of the occupational requirement exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	30.5%	68.4%	29.2%	71.9%	34.9%	76.0%	27.9%	76.7%	39.9%	83.7%	35.6%	55.2%
No	14.1%	31.6%	11.4%	28.1%	11.0%	24.0%	8.4%	23.3%	7.7%	16.3%	28.9%	44.8%
Not Answered	55.4%	-	59.4%	-	54.2%	-	63.7%	-	52.4%	-	35.5%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>45,840</i>	<i>74,940</i>	<i>30,450</i>	<i>3,270</i>	<i>1,500</i>	<i>6,580</i>	<i>2,390</i>	<i>780</i>	<i>370</i>	<i>17,260</i>	<i>11,140</i>

Table B38 - Q14: Do you think that the operation of the occupational requirement exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	30.6%	68.6%	18.5%	34.3%	34.8%	47.7%	100.0%	100.0%	-	-	0.2%	14.3%
No	14.0%	31.4%	35.5%	65.7%	38.1%	52.3%	-	-	-	-	0.9%	85.7%
Not Answered	55.5%	-	45.9%	-	27.2%	-	-	-	100.0%	-	98.9%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>45,490</i>	<i>650</i>	<i>350</i>	<i>37,140</i>	<i>27,050</i>	<i>18,370</i>	<i>18,370</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>430</i>

Table B39 - Q15: Do you think that the operation of the communal accommodation exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
			England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	31.8%	69.2%	30.4%	72.7%	36.4%	77.3%	28.1%	76.7%	42.2%	86.3%	38.2%	56.6%
No	14.2%	30.8%	11.4%	27.3%	10.7%	22.7%	8.5%	23.3%	6.7%	13.7%	29.3%	43.4%
Not Answered	54.0%	-	58.2%	-	52.8%	-	63.4%	-	51.1%	-	32.5%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>47,260</i>	<i>74,940</i>	<i>31,290</i>	<i>3,270</i>	<i>1,540</i>	<i>6,580</i>	<i>2,400</i>	<i>780</i>	<i>380</i>	<i>17,260</i>	<i>11,650</i>

Table B40 - Q15: Do you think that the operation of the communal accommodation exception in relation to gender reassignment in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	31.9%	69.5%	18.1%	33.9%	38.4%	50.2%	100.0%	100.0%	-	-	0.2%	16.2%
No	14.0%	30.5%	35.2%	66.1%	38.2%	49.8%	-	-	-	-	0.9%	83.8%
Not Answered	54.1%	-	46.7%	-	23.4%	-	-	-	100.0%	-	98.9%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>46,910</i>	<i>650</i>	<i>350</i>	<i>37,140</i>	<i>28,460</i>	<i>18,370</i>	<i>18,370</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>440</i>

Table B41 - Q16: Do you think that the operation of the armed forces exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	6.0%	25.0%	4.4%	23.3%	4.7%	24.8%	3.1%	22.8%	4.4%	29.6%	14.8%	27.9%
No	18.1%	75.0%	14.3%	76.7%	14.4%	75.2%	10.4%	77.2%	10.5%	70.4%	38.2%	72.1%
Not Answered	75.9%	-	81.3%	-	80.9%	-	86.5%	-	85.2%	-	47.0%	-
<i>Number of respondents</i>	102,820	24,800	74,940	14,020	3,270	630	6,580	890	780	120	17,260	9,150

Table B42 - Q16: Do you think that the operation of the armed forces exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	6.0%	25.1%	6.6%	15.6%	16.6%	25.3%	-	-	-	-	0.1%	10.4%
No	18.0%	74.9%	35.7%	84.4%	49.1%	74.7%	-	-	-	-	0.9%	89.6%
Not Answered	76.0%	-	57.7%	-	34.3%	-	100.0%	-	100.0%	-	99.0%	-
<i>Number of respondents</i>	102,170	24,520	650	280	37,140	24,390	18,370	-	6,810	-	40,500	410

Table B43 - Q17: Do you think that the operation of the marriage exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	11.4%	47.8%	8.7%	47.2%	10.6%	53.2%	5.8%	43.2%	8.0%	53.0%	25.2%	48.8%
No	12.4%	52.2%	9.8%	52.8%	9.3%	46.8%	7.6%	56.8%	7.1%	47.0%	26.4%	51.2%
Not Answered	76.2%	-	81.5%	-	80.2%	-	86.7%	-	84.9%	-	48.4%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>24,430</i>	<i>74,940</i>	<i>13,870</i>	<i>3,270</i>	<i>650</i>	<i>6,580</i>	<i>880</i>	<i>780</i>	<i>120</i>	<i>17,260</i>	<i>8,920</i>

Table B44 - Q17: Do you think that the operation of the marriage exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	11.3%	48.0%	16.8%	37.0%	31.2%	48.1%	-	-	-	-	0.3%	28.6%
No	12.3%	52.0%	28.6%	63.0%	33.6%	51.9%	-	-	-	-	0.6%	71.4%
Not Answered	76.4%	-	54.5%	-	35.2%	-	100.0%	-	100.0%	-	99.1%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>24,130</i>	<i>650</i>	<i>300</i>	<i>37,140</i>	<i>24,060</i>	<i>18,370</i>	<i>-</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>370</i>

Table B45 - Q18: Do you think that the operation of the insurance exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	5.1%	23.2%	3.7%	21.3%	4.0%	23.5%	2.7%	21.5%	3.2%	23.1%	12.7%	26.3%
No	17.0%	76.8%	13.5%	78.7%	13.2%	76.5%	10.0%	78.5%	10.7%	76.9%	35.5%	73.7%
Not Answered	77.9%	-	82.8%	-	82.8%	-	87.3%	-	86.1%	-	51.8%	-
<i>Number of respondents</i>	102,820	22,720	74,940	12,880	3,270	560	6,580	830	780	110	17,260	8,330

Table B46 - Q18: Do you think that the operation of the insurance exception as it relates to trans people in the Equality Act 2010 will be affected by changing the Gender Recognition Act?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	5.1%	23.4%	4.7%	12.1%	14.1%	23.4%	-	-	-	-	0.1%	8.9%
No	16.8%	76.6%	34.6%	87.9%	46.2%	76.6%	-	-	-	-	0.7%	91.1%
Not Answered	78.0%	-	60.6%	-	39.7%	-	100.0%	-	100.0%	-	99.2%	-
<i>Number of respondents</i>	102,170	22,460	650	260	37,140	22,400	18,370	-	6,810	-	40,500	320

Table B47 - Q19: Do you think that changes to the Gender Recognition Act will impact on areas of law and public services other than the Equality Act 2010?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	34.1%	77.1%	32.2%	80.0%	38.1%	83.3%	29.3%	82.1%	42.1%	87.6%	43.0%	66.9%
No	10.2%	22.9%	8.1%	20.0%	7.6%	16.7%	6.4%	17.9%	5.9%	12.4%	21.3%	33.1%
Not Answered	55.8%	-	59.7%	-	54.3%	-	64.3%	-	52.0%	-	35.7%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>45,480</i>	<i>74,940</i>	<i>30,170</i>	<i>3,270</i>	<i>1,490</i>	<i>6,580</i>	<i>2,350</i>	<i>780</i>	<i>370</i>	<i>17,260</i>	<i>11,100</i>

Table B48 - Q19: Do you think that changes to the Gender Recognition Act will impact on areas of law and public services other than the Equality Act 2010?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	34.1%	77.2%	28.2%	54.6%	44.5%	61.9%	100.0%	100.0%	-	-	0.4%	35.9%
No	10.1%	22.8%	23.4%	45.4%	27.4%	38.1%	-	-	-	-	0.6%	64.1%
Not Answered	55.8%	-	48.4%	-	28.0%	-	-	-	100.0%	-	99.0%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>45,150</i>	<i>650</i>	<i>340</i>	<i>37,140</i>	<i>26,720</i>	<i>18,370</i>	<i>18,370</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>400</i>

Table B49 - Q20: Do you think that there need to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	58.2%	64.7%	58.9%	65.6%	52.7%	58.8%	64.8%	70.3%	51.6%	55.0%	54.5%	60.3%
No	31.7%	35.3%	30.8%	34.4%	37.0%	41.2%	27.3%	29.7%	42.2%	45.0%	35.8%	39.7%
Not Answered	10.0%	-	10.3%	-	10.3%	-	7.9%	-	6.2%	-	9.7%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>92,520</i>	<i>74,940</i>	<i>67,220</i>	<i>3,270</i>	<i>2,930</i>	<i>6,580</i>	<i>6,050</i>	<i>780</i>	<i>730</i>	<i>17,260</i>	<i>15,590</i>

Table B50 - Q20: Do you think that there need to be changes to the Gender Recognition Act to accommodate individuals who identify as non-binary?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	58.2%	64.7%	65.7%	76.3%	57.3%	61.3%	0.0%	0.0%	0.0%	-	95.3%	97.9%
No	31.8%	35.3%	20.4%	23.7%	36.2%	38.7%	100.0%	100.0%	0.0%	-	2.1%	2.1%
Not Answered	10.0%	-	13.9%	-	6.5%	-	0.0%	-	100.0%	-	2.6%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>91,960</i>	<i>650</i>	<i>560</i>	<i>37,140</i>	<i>34,720</i>	<i>18,370</i>	<i>18,360</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>39,440</i>

Table B51 - Q21(a): Do you have a variation in your sex characteristics?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	0.9%	2.8%	0.7%	2.7%	0.8%	3.1%	0.8%	3.0%	0.9%	3.5%	1.4%	2.8%
No	30.2%	97.2%	26.7%	97.3%	25.4%	96.9%	25.4%	97.0%	24.9%	96.5%	48.3%	97.2%
Not Answered	69.0%	-	72.6%	-	73.7%	-	73.8%	-	74.2%	-	50.3%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>31,920</i>	<i>74,940</i>	<i>20,560</i>	<i>3,270</i>	<i>860</i>	<i>6,580</i>	<i>1,720</i>	<i>780</i>	<i>200</i>	<i>17,260</i>	<i>8,580</i>

Table B52 - Q21(a): Do you have a variation in your sex characteristics?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	0.9%	2.7%	2.0%	6.5%	1.3%	2.3%	-	-	-	-	1.0%	3.7%
No	30.2%	97.3%	28.6%	93.5%	56.5%	97.7%	-	-	-	-	24.9%	96.3%
Not Answered	68.9%	-	69.4%	-	42.2%	-	100.0%	-	100.0%	-	74.2%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>31,720</i>	<i>650</i>	<i>200</i>	<i>37,140</i>	<i>21,460</i>	<i>18,370</i>	<i>-</i>	<i>6,810</i>	<i>-</i>	<i>40,500</i>	<i>10,460</i>

Table B53 - Q22: Do you have any further comments about the Gender Recognition Act 2004?

	All respondents		Location									
	Total	Valid	England		Wales		Scotland		Northern Ireland		Other/Uncategorisable	
			Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	41.6%	76.1%	40.9%	80.0%	46.8%	81.9%	35.4%	81.8%	46.2%	83.6%	46.1%	62.0%
No	13.1%	23.9%	10.2%	20.0%	10.4%	18.1%	7.9%	18.2%	9.0%	16.4%	28.3%	38.0%
Not Answered	45.3%	-	48.9%	-	42.8%	-	56.7%	-	44.8%	-	25.6%	-
<i>Number of respondents</i>	<i>102,820</i>	<i>56,250</i>	<i>74,940</i>	<i>38,260</i>	<i>3,270</i>	<i>1,870</i>	<i>6,580</i>	<i>2,850</i>	<i>780</i>	<i>430</i>	<i>17,260</i>	<i>12,840</i>

Table B54 - Q22: Do you have any further comments about the Gender Recognition Act 2004?

	Response type				Source							
	Individual		Organisational		Official Government Channels		Fair Play for Women		Level Up		Stonewall	
	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid	Total	Valid
Yes	41.6%	76.1%	46.4%	69.0%	46.8%	56.8%	100.0%	100.0%	100.0%	100.0%	0.5%	47.5%
No	13.0%	23.9%	20.8%	31.0%	35.6%	43.2%	-	-	-	-	0.6%	52.5%
Not Answered	45.4%	-	32.8%	-	17.6%	-	-	-	-	-	98.8%	-
<i>Number of respondents</i>	<i>102,170</i>	<i>55,820</i>	<i>650</i>	<i>440</i>	<i>37,140</i>	<i>30,610</i>	<i>18,370</i>	<i>18,370</i>	<i>6,810</i>	<i>6,810</i>	<i>40,500</i>	<i>470</i>

Annex C: Glossary

The Government is aware that the terminology used in relation to the recognition of people's gender identity may depend on the context of its use. Some people may define some terms differently than we have done. In the consultation on the GRA, we have tried to use terminology that is generally accepted. No offence or omission is intended. Please find below the definitions we have used.

Acquired gender: The Gender Recognition Act 2004 describes this as the gender in which an applicant is living and seeking legal recognition. It is different from the sex recorded at birth and is instead, the gender the individual identifies with. It could be man or woman. While some people prefer to use “experienced” or “confirmed” gender rather than acquired gender, “acquired” is used in this document due to its specific use in the Gender Recognition Act.

Equality Act 2010: An Act of Parliament that brought together a wide range of prior discrimination law and introduced several new provisions to further strengthen equality law. Amongst other things the Act places a duty on public bodies to have due regard to equalities considerations when developing policy and it sets out a number of “protected characteristics” and prohibits discrimination on the basis of those characteristics. One of these, “gender reassignment”, affects trans people.

Full Gender Recognition Certificate: As distinct from an interim Gender Recognition Certificate. A full certificate shows that the holder has satisfied the criteria for legal recognition in their acquired gender, as set out in the Gender Recognition Act 2004. From the date of issue, the holder's gender becomes the acquired gender for all purposes. Full certificates also entitle the individual to a new birth certificate issued with an updated sex marker.

Gender: Often expressed in terms of masculinity and femininity, gender refers to socially constructed characteristics, and is often assumed from the sex people are registered as at birth.

Gender identity: A person's internal sense of their own gender. This does not have to be man or woman. It could be, for example, non-binary.

Gender dysphoria: A medical diagnosis that someone is experiencing discomfort or distress because there is a mismatch between their sex and their gender identity. This is sometimes known as gender identity disorder or transsexualism.

Gender presentation / Gender expression: A person's outward expression of their gender. This may differ from their gender identity or it may reflect it.

Gender reassignment: A protected characteristic under the Equality Act 2010. A person “has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.”

Subject to certain exceptions, the Equality Act 2010 prohibits discrimination because of gender reassignment, for example in employment or in the provision of services. This includes treating employees or service users less favourably because of a mistaken belief that the person is proposing to undergo, is undergoing or has undergone the process of reassigning their gender.

Gender Recognition Act 2004: An Act of Parliament that allows transgender people to gain legal recognition of their acquired gender, so long as that gender is a man or woman. Applications for legal recognition made under the Act are determined by a Gender Recognition Panel which applies the evidential requirements set out in the Act. Following legal recognition, an individual is entitled to a new birth certificate issued in the acquired gender and in law the person's gender becomes the acquired gender for all purposes.¹⁸

Gender Recognition Panel: A panel of medical and legal members, administered by Her Majesty's Courts and Tribunal Service. The panel deals with all applications for legal gender recognition under the Gender Recognition Act 2004. If the applicant applies successfully then the Panel will issue a full or an interim Gender Recognition Certificate. Applicants do not meet the Panel in person as applications are paper based.

Interim Gender Recognition Certificate: As distinct from a full Gender Recognition Certificate. Interim certificates are issued to applicants that meet the criteria for legal recognition of their acquired gender as set out in the Gender Recognition Act 2004 but who need to end their marriage or civil partnership before a full certificate can be granted. The interim certificate can be used to enable the applicant or their spouse to end their marriage or civil partnership but has no legal significance or purpose beyond this.

Intersex: An umbrella term for people with sex characteristics (hormones, chromosomes and external/internal reproductive organs) that differ to those typically expected of a male or female. Intersex people may identify as male, female, non-binary, or intersex.

Legal recognition: In the context of gender this means that the person is recognised as being of his or her acquired gender, as opposed to the sex that was registered on that person's birth record when they were born.

Non-binary gender: An umbrella term for a person who identifies as in some way outside of the man-woman gender binary. They may regard themselves as neither exclusively a man nor a woman, or as both, or take another approach to gender entirely. Different people may use different words to describe their individual gender identity, such as genderfluid, agender or genderqueer.

Sex: Assigned by medical practitioners at birth based on physical characteristics. Sex can be either male or female.

Single or same sex services exception: These are terms used in relation to the Equality Act 2010, specifically paragraph 28 of Schedule 3. This paragraph allows

¹⁸ Subject to specific exceptions set out in the GRA 2004 and the Equality Act 2010.

service providers who are providing a service to men or women only, or providing services separately or differently to men and women, to act in a way that would otherwise be unlawful gender reassignment discrimination, if this is a proportionate means of achieving a legitimate aim. This might allow, for example, a domestic violence refuge for women to refuse entry to a trans person, provided it is proportionate to do so and the purpose is legitimate.

Transgender / Trans: Umbrella terms used to describe individuals who have a gender identity that is different to the sex recorded at birth. Non-binary people may or may not consider themselves to be trans. This consultation document primarily uses “trans”.

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