



DEBATE PACK

Number CDP-2016-0223 , 29 November 2016

Transgender equality

Backbench Business Debate Main Chamber, 1 December 2016

A backbench business debate on a motion relating to transgender equality will be held in the Commons Chamber on Thursday 1 December 2016. This debate has been scheduled following a bid by Maria Miller, Ruth Cadbury and Angela Crawley. Their bid to the Backbench Business Committee may be heard on parliamentlive.tv

The debate will be opened by Maria Miller.

The text of the motion is:

That this House notes the UK's status as a pioneer in legislating for equality for LGBT people; welcomes the Government's announcement of a new trans equality action plan; and calls on the Government to review its response to the recommendations of the Women and Equalities Committee's report on Transgender Equality to ensure that the UK leads the world on trans equality rights, in particular by giving unequivocal commitments to changing the Gender Recognition Act 2004 in line with the principles of gender self-declaration and replacing confusing and inadequate language regarding trans people in the Equality Act 2010 by creating a new protected characteristic of gender identity.

The proceedings of this debate may be watched on parliamentlive.tv.

There is a separate Library Briefing Paper on [Transgender Prisoners](#).

Pat Strickland
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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Background

Summary

A backbench business debate on a motion relating to transgender equality will be held in the Commons Chamber on Thursday 1 December 2016. This Debate Pack gives a brief overview of the issues together with links to relevant materials.

Gender reassignment is a protected characteristic under the [Equality Act 2010](#). Under the [Gender Recognition Act 2004](#), people can apply to the Gender Recognition Panel for legal recognition of their acquired gender – a Gender Recognition Certificate. However, many trans people live in their acquired gender without doing this.

The Women and Equalities Committee published a report on [Transgender Equality](#) on 14 January 2016. The report criticised the [Gender Recognition Act 2004](#) for its “medicalised approach” which, it argued, pathologised trans identities and ran “contrary to the dignity and personal autonomy of applicants.”

The report discussed a range of other issues, including:

- spousal consent for a change of marriage status under the [Marriage \(Same Sex Couples\) Act 2013](#)
- terminology in the [Equality Act 2010](#), which the Committee felt was “outdated”
- the problems faced by trans people in using NHS services
- the need to build trans people’s confidence in the criminal justice system

In its [Response](#) to the report, published on 7 July 2016, the Government committed to review the [Gender Recognition Act 2004](#) to explore possible changes to streamline and de-medicalise the gender recognition process. It also promised a new action plan for transgender equality.

In her submission to the Backbench Business Committee, the Committee’s Chair, Maria Miller welcomed the review the [Gender Recognition Act 2004](#) and the new action plan, but said there were shortcomings in other legislation and in public service provision to trans people which needed further debate.

Some feminists have criticised the Committee’s report for its emphasis on self-declared “gender” at the expense of sex as a protected characteristic. Others have welcomed it. Current Parliamentary material on gender recognition is available on the [gender recognition topic page](#).

There is a separate Library Briefing Paper 7420 on [Transgender Prisoners](#) (28 November 2016).

1.1 Terminology

In its first report of session 2015-16 on [Transgender Equality](#), the House of Commons Women and Equalities Committee gave this explanation of trans-identity:¹

Each of us is at birth assigned a sex (male or female), based on our physical characteristics. Most people's gender identity (the gender with which they associate themselves) and gender presentation (how they outwardly show their gender) will not differ from that typically associated with their assigned sex. Trans people, however, have a gender identity which differs from that of their (assigned) birth sex. Trans identities take a wide diversity of forms.

Trans identity can be "non-binary" in character, located at a (fixed or variable) point along a continuum between male and female; or "non-gendered", i.e. involving identification as neither male nor female.

1.2 The Equality Act 2010

[Section 149](#) of the Equality Act 2010 creates a duty for public authorities to have due regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct
- advance equality of opportunity between people who share a "protected characteristic" and those who do not
- and foster good relations between people who share a "protected characteristic" and those who do not.

Protected characteristics are listed in [section 4](#) and include sex, sexual orientation and gender reassignment.² The Equality and Human Rights Commission has published resources on the [Public Sector Equality Duty](#) under the *Equality Act 2010*.

1.3 Gender Recognition Act 2004

Under the [Gender Recognition Act 2004](#), people across the UK may apply to the Gender Recognition Panel for legal recognition of their acquired gender.³ Applicants who fulfil the legal requirements will receive a full Gender Recognition Certificate (GRC). There are various routes to this (see [Apply for a Gender Recognition Certificate](#) on the Gov.UK website) but essentially the certificates are mainly given on the basis of having (or having had) gender dysphoria and living in the acquired gender; it is not necessary to have had surgery or hormone therapy.

Gender reassignment is a "protected characteristic" under the *Equality Act 2010*

People can apply for a Gender Recognition Certificate. However not all transgender people do this.

¹ Women and Equalities Committee, [Transgender Equality](#) HC 390 2016-16, 14 January 2016

² The following characteristics are protected characteristics—age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation

³ Commons Library Research Paper 04/15 [Gender Recognition Bill \[HL\]](#) (17 February 2004) discusses the Bill that became the Act.

Not all transgender people who live in the gender they identify with will have obtained this legal recognition. Many transgender people spend years without a GRC.⁴

2. Women and Equalities Committee report

In its report on [Transgender Equality](#), the Women and Equalities Committee summarised the issues as follows:⁵

High levels of transphobia are experienced by individuals on a daily basis (including in the provision of public services)—with serious results. About half of young trans people and a third of trans adults attempt suicide. The recent deaths in custody of two trans women, and the case of a trans woman who was placed in a men’s prison, are particularly stark illustrations of the issues.

The Gender Recognition Act 2004 was pioneering but is now dated. Its medicalised approach pathologises trans identities and runs contrary to the dignity and personal autonomy of applicants. The Government must update the Act, in line with the principle of gender self-declaration.

Trans people feel strongly that the provision on spousal consent under the Marriage (Same Sex Couples) Act 2013 gives spouses an effective “veto” on gender recognition. However, marriage is a legal contract between two consenting parties, the terms of which cannot be changed without the consent of both. We do, though, take very seriously the possibility that this provision may be used by spouses with malicious intent.

Protection for trans people under the Equality Act 2010 was a huge step forward. However, the terms “gender reassignment” and “transsexual” in the Act are outdated and misleading; and may not cover wider members of the trans community. The protected characteristic should be amended to that of “gender identity”.

The NHS is letting down trans people: it is failing in its legal duty under the Equality Act. Trans people encounter significant problems in using general NHS services, due to the attitude of some clinicians and other staff who lack knowledge and understanding—and in some cases are prejudiced. The NHS is failing to ensure zero tolerance of transphobic behaviour. GPs too often lack understanding and in some cases this leads to appropriate care not being provided. A root-and-branch review must be conducted, completed and published by the NHS.

We agree with the Chair of the NHS National Clinical Reference Group for Gender Identity Services that: “not treating people [for gender dysphoria] is not a neutral act—it will do harm.” We strongly welcome the trend towards depathologising trans identities. There is a clear and strong case that delaying treatment for young people risks more harm than providing it. We are also concerned that Gender Identity Services continue to be provided

⁴ Michelle O’Toole, “[Ministry of Justice declines to intervene after trans woman sent to male prison](#)”, *Pink News*, 27 October 2015

⁵ Women and Equalities Committee, [Transgender Equality](#) HC 390 2016-16, 14 January 2016, pp3-4

as part of mental-health services, giving the impression that trans identity is a disease or disorder of the mind.

There are serious concerns about treatment protocols in Gender Identity Services, particularly regarding “Real-Life Experience” prior to genital surgery. However, we are unconvinced by the argument that the NHS should simply grant on demand whatever treatment patients request.

It is also important to build trans people’s confidence in the criminal justice system. We welcome the Government’s willingness to strengthen hate-crime legislation. The existing provisions on aggravated offences and stirring up hatred should be extended to all protected characteristics. The Government’s new hate-crime action plan must include mandatory training for police officers on transphobic hate crime; and the promotion of third-party reporting. The Government must also work with the courts to tackle the issue of trans people being “outed” inappropriately in court.

Across the board, government departments are struggling to support trans people effectively, with the 2011 *Advancing Transgender Equality* action plan remaining largely unimplemented. The Government must agree a new strategy which it can deliver with full cross-departmental support.

In its [Response](#) to the report, published in July 2016, the Government said in its introduction:⁶

The WESC’s report made 35 recommendations in relation to a wide range of areas including cross-Government strategy, the Gender Recognition Act 2004, the Equality Act 2010, NHS services and on tackling everyday transphobia.

The Government welcomes the WESC’s work and recommendations on the very important and emerging issues around transgender equality and we set out our response below.

As part of our response to the recommendations on the Gender Recognition Act 2004, the Government commits to a review of the Gender Recognition Act to determine whether changes can be made to improve it in order to streamline and demedicalise the gender recognition process.

It committed to a new action plan:

We will be developing a new action plan for transgender equality, which will include, amongst other actions:

- A review of the Gender Recognition Act to tackle unnecessary bureaucracy and to assess the need for medical checks contained within the 2004 Act;
- Conducting a cross-government review on removing unnecessary requests for gender information, including in official documents;
- Improving the way people are supported by gender identity services through new training of NHS staff;
- Tackling harassment and bullying in higher education by working with universities;

⁶ Government Equalities Office, [Government response to the Women and Equalities Committee report on transgender equality](#), Cm 9301, July 2016 p7

- Assessing how to measure the size of the UK's transgender population so that policy can be more evidence-based and we can track the impact of our work;
- Measuring and monitoring public attitudes towards transgender people.

The Committee responded to the Government in a [News](#) bulletin of 11 July 2016:⁷

The response provides some welcome commitments to undertake further reviews and other work, but it is disappointing in key respects.

The Government is committed to a new trans equality action plan, and a review of the Gender Recognition Act 2004, to "determine whether changes can be made to improve it in order to streamline and de-medicalise the gender recognition process". There is, however, no definite commitment to changing the law "in line with the principles of gender self-declaration", as the Committee recommended.

The response also indicates that there will be reviews or future action on: inclusion of trans people in sport, transphobia in the NHS, clinical protocols for NHS Gender Identity Services, the recording of gender in passports, unnecessary recording of gender information, the rights of trans prisoners, and numerous other trans equality issues.

Gender identity

The response regrettably rejects one of the Committee's main recommendations – that the protected characteristic in the Equality Act 2010 regarding trans people should be changed to "gender identity." The Government still regards the current form of words - "gender reassignment" and "transsexual" - as adequate, although the [Committee's report found that it is "outdated and confusing"](#), and does not adequately cover wider categories of trans people.

Chair's comments

Committee Chair Maria Miller said:

"Progress on a new trans equality action plan and a review of the Gender Recognition Act 2004 will be very welcome, and we are glad to see that the Government is considering many of our other recommendations. However, we made these back in January, and would have hoped for more substantial progress during the past 6 months. Although the response makes some good future commitments, it's a bit thin on action taken so far. Overall, the Committee shares the disappointment expressed by many in the trans community at the contents of the response.

It is particularly disappointing to find that there is no intention to change the confusing and inadequate language in the Equality Act 2010.

We will consider the Government's proposals for further action

⁷ Women and Equalities Committee [Transgender equality: Government response published](#) News bulletin 11 July 2016.

carefully, and we look forward to more detailed discussions with Ministers and officials soon."

2.1 Feminist critiques

Some radical feminists have criticised the approach taken by the Women and Equalities Committee and, indeed, the Labour Government's *Gender Recognition Act 2004*. ~Some argue that, as biological sex differences are immutable, a trans woman (whether or not she has had "gender reassignment" surgery is not a woman. A leading feminist critic of the 2004 Act is Sheila Jeffreys, of the University of Melbourne, who argues that it gives "credence to the notion that 'gender' exists and is a reasonable basis for social organisation rather than a social construction which founds the subordination of women."⁸

There were protests about the report's recommendations at a Westminster Social Policy Forum on Transgender Rights in June 2016.⁹ The protestors were particularly concerned about the proposed move to self-declaration as a means of assessing trans status, and the threat to current sex-based rights, including those which protect vulnerable women's safety, in the name of transgender equality.¹⁰

By contrast, Polly Toynbee argues that feminists shouldn't be "side-tracked into 'what is a woman?' theology when most women still confront the same basic old barriers".¹¹ Paddy McQueen, of University College, Dublin, takes issue with many of Jeffreys' criticisms of the *Gender Recognition Act 2004* and with wider radical feminist rejection of trans identities. He argues that "there is little reason to see the goals and concerns of feminism and trans theory as necessarily incompatible."¹²

⁸ Sheila Jeffreys, "[They know it when they see it: The UK Gender Recognition Act 2004](#)" *British Journal of Politics & International Relations* 10 2008, pp328–345.

⁹ "[Women's Groups Protest Transgender Conference: Demand Representation in Debates over 'Transgender Equality'](#)" *GenderTrender*, 15 June 2016

¹⁰ See also Rebecca Reilly Cooper, "[Equality for trans people must not come at the expense of women's safety](#)", politics.co.uk, 26 January 2016

¹¹ "[Here's why feminism must embrace trans people](#)", *Guardian*, 14 January 2016

¹² Paddy McQueen, "[Feminist and trans perspectives on identity and the UK Gender Recognition Act](#)", *The British Journal of Politics and International Relations*, Vol 19 (3), August 2016

3. Why the debate?

This debate was scheduled by the Backbench Business Committee following a representation on 6 September 2016 from Maria Miller, Ruth Cadbury and Angela Crawley, all members of the House of Commons Women and Equalities Committee. The representation can be [watched online](#).

Maria Miller, the Committee Chair, said in her representation to the Backbench Business Committee that, having waited several months for the Government response to the Committee's report on *Transgender Equality* (see section 2 below), it had been published at a busy time and had not received the coverage she felt it should have done. The Committee's report had pointed to shortcomings in public services and in the law, and whilst she welcomed the Government's commitment to review the *Gender Recognition Act 2004* and the proposed Action Plan, further work was needed. Ruth Cadbury said that public opinion was shifting, not least because young people had no problem with people being trans. She felt there would be strong popular support to a debate which could follow upon the Government's response. Angela Crawley said that equality was at the heart of the issue, and she pointed to the SNP's and the Scottish Government's commitment to review and reform gender recognition laws.¹³

¹³ See Scottish Government, [A Plan for Scotland 2016-17: The Government's programme for Scotland](#), 2016, [p79](#)

4. Media

4.1 Articles and blogs

Kent Online

[Transgender pupil Lily Madigan, from Chatham, wins apology from St Simon Stock Catholic School in Maidstone over uniform row](#)

23 November 2016

Pink News

[Transgender Day of Remembrance held today to remember those killed by transphobic violence](#)

Meka Beresford 20 November 2016

Guardian

[Trans people are terrified of what lies ahead. We must look out for one another](#)

Hannah Simpson 11 November 2016

Telegraph

[Rise in legal battles over transgender children's rights](#)

Katie Morley 23 October 2016

Independent

[Seven-year-old boy living as a girl is taken from his mother with custody given to father and his new partner](#)

Brian Farmer 21 October 2016

Guardian

[UK nurses lacking skills to treat transgender patients, says research](#)

Kate Lyons 11 October 2016

Independent

[Transgender soldier becomes first woman in British Army to serve on frontline](#)

Aine Fox 16 September 2016

Huffington Post

[Why equality is toxic to the transgender movement](#)

6 September 2016

Independent

[Oxford City Council praised for introducing gender neutral 'MX' title on paperwork](#)

Siobhan Fenton 16 August 2016

Touchstone (informal blog by TUC staff)

[While government stalls, workers must organise for trans equality](#)

26 July 2016

Guardian

[Gender identity clinic services under strain as referral rates soar](#)

Kate Lyons 10 July 2016

Times [Login needed]

[Team GB 'to field two transgender athletes'](#)

Tom Whipple 4 July 2016

Guardian

[US military ends ban on transgender service members](#)

Molly Redden and Amanda Holpuch 30 June 2016

BBC online

[Single-sex schools 'must adapt for transgender pupils'](#)

6 April 2016

Guardian

[Are universities doing enough to support transgender students?](#)

Siobhan Fenton 2 February 2016

New Statesman

[Deciding which jail to send a trans prisoner to isn't always clear-cut. And accusations of bigotry don't help.](#)

Helen Lewis 28 January 2016

Politics.co.uk

[Equality for trans people must not come at the expense of women's safety](#)

Rebecca Reilly-Cooper 26 January 2016

New York Times

[Transgender athletes can now compete in Olympics without surgery](#)

Associated Press 25 January 2016

Independent

[Maria Miller says only hostility to transgender report came from women 'purporting to be feminists'](#)

Tom McTague 23 January 2016

BBC online

[UK a long way from transgender equality, MPs say](#)

14 January 2016

Guardian

[Transgender people being let down by NHS, say MPs](#)

Aisha Gani 14 January 2016

Guardian

[Let us be free to debate transgenderism without being accused of 'hate speech'](#)

Sheila Jeffreys 29 May 2012

Guardian

[Radical feminists are acting like a cult](#)

Roz Kaveney 25 May 2012

4.2 Press releases

FCO

[UK welcomes vote defending role of UN Expert](#)

21 November 2016

House of Commons Women and Equalities Committee

[Transgender equality: Government response published](#)

11 July 2016

Government Equalities Office

[Gender Recognition Act review announced in plan for transgender equality](#)

7 July 2016

Equality and Human Rights Commission

[Commission responds to new report on transgender equality](#)

14 January 2016

UNISON

[UNISON welcomes transgender equality report](#)

14 January 2016

5. Parliamentary Business

5.1 Urgent Question

[Transpeople \(Prisons\)](#)

HC Deb 20 November 2015 vol 602 c974-982 [Extract]

The Parliamentary Under-Secretary of State for Justice (Andrew Selous):

I begin by offering my sincere condolences to the family and friends of Vicky Thompson. Her death, like all others in custody, is a tragedy, and we are totally committed to reducing the number of deaths in prison. Each one is investigated by the independent prisons and probation ombudsman and is the subject of a coroner's inquest. We believe that Vicky Thompson was being looked after in accordance with the relevant procedures, but that is now a matter for the ombudsman and coroner. While their investigations are ongoing, it would be wholly inappropriate for me to comment on the circumstances of her death.

I would also like to mark the fact that today, 20 November, is designated as transgender day of remembrance and to reflect on the violence still suffered by members of the trans community.

On the specific issue of transpeople in prison, prison service instruction 7/2011 sets out the National Offender Management Service's policy on the care and management of prisoners who live, or propose to live, in the gender other than the one assigned at birth. Prisoners are normally placed according to their legally recognised gender, which means either the gender on their birth certificate or the gender on their gender recognition certificate. However, the guidelines allow some room for discretion, and senior prison staff will review the circumstances of every case in consultation with medical and other experts in order to protect the physical and emotional wellbeing of the person concerned, along with the safety and wellbeing of other prisoners.

While the most appropriate long-term location for a transgender prisoner will be considered in accordance with the procedures outlined above, the usual practice is for them to be held in a supportive environment, away from the main regime of the prison and protected from risk of harm by other prisoners. The risk-assessed daily regime will be structured to give the prisoner exercise and recreation and some measure of planned, supervised contact with other trusted prisoners. Where relevant, clothing and toiletries are provided to enable the prisoner to present in their acquired gender, consistent with the arrangements set out in the prison instruction.

More generally, prisoners who are transitioning are entitled to live in the gender they seek to acquire. Prisons must produce a management care plan outlining how the individual will be managed safely and decently within the prison environment, with oversight from psychologists, healthcare professionals and prison staff. A review of the current policy

began earlier this year, and revised policy guidance will be issued to reflect NOMS' responsibilities to transgender offenders in the community, as well as in custody. The intention is to implement the guidance in due course.

The management and care of transpeople in prison is a complex issue, and the review is using the expertise developed by NOMS practitioners, as well as engaging with relevant stakeholders, including those from the trans community, to ensure that we provide prison staff with the best possible guidance. The Government are committed to tackling all forms of discrimination and the underlying cultural attitudes that underpin inequality, so that everyone, regardless of gender, race or background, is given the opportunity they deserve.

I can also announce to the House that Kate Lampard has been appointed interim chair of the independent advisory panel on deaths in custody. She is a former barrister previously appointed by the Secretary of State for Health to provide independent oversight of the NHS investigation into Jimmy Savile and by Serco to lead the Yarl's Wood investigation.

5.2 Ministerial Statement

[Offender Management](#)

08 Dec 2015 | Written statements | HCWS368

The Parliamentary Under-Secretary of State for Justice, Minister for Women, Equalities and Family Justice (Caroline Dinenage):

The management and care of transgender people in prison is a complex issue and one that the Government takes very seriously. NOMS is committed to incorporating equality and diversity into everything it does and treating offenders with decency and respect.

Currently, transgender adult prisoners are normally placed according to their legally recognised gender. However, we recognise that these situations are often complex and sensitive. That is why prisons exercise local discretion on the placement of those who live, or propose to live, in the gender other than the one assigned at birth. In such cases, senior prison management will review the individual circumstances, in consultation with medical and other experts.

However, we have received a number of representations expressing concern that the present system doesn't sufficiently address the needs of transgender prisoners.

As already announced, NOMS is undertaking a review of Prison Service Instruction 7/2011 to ensure that it is fit for purpose and provides an appropriate balance between the needs of the individual and the responsibility to manage risk and safeguard the wellbeing of all prisoners.

The review will now be widened to consider what improvements we can make across prisons and probation services and across youth justice services.

The review will develop recommendations for revised guidelines which cover the future shape of prison and probation services for transgender prisoners and offenders in the community.

The review will be coordinated by a senior official from the Ministry of Justice who will engage with relevant stakeholders, including from the trans community, to ensure that we provide staff in prisons and probation with the best possible guidance. NOMS, the YJB, the NHS and The Government Equalities Office will provide professional and operational expertise.

In addition, Peter Dawson, and Dr Jay Stewart will act as independent advisers to this review. Peter Dawson is deputy director of the Prison Reform Trust and has served as deputy governor of HMP Brixton and governor of HMP Downview and HMP High Down. Dr Jay Stewart is a Director of Gendered Intelligence, an organisation that aims to increase understandings of gender diversity.

A copy of the [Terms of Reference](#) will be placed in the libraries of both Houses.

The Review will be expected to conclude its work early next year.

5.3 Debate

[Transgender Prisoners](#)

HC Deb 15 December 2015 vol 603 c1523-1532

5.4 Parliamentary Questions

[Care and Management of Transgender Offenders Review](#)

Asked by: Margaret Ferrier

To ask the Secretary of State for Justice, pursuant to the oral contribution of the Parliamentary Under-Secretary of State for Justice of 1 November 2016, Official Report, column 777, when she plans to publish the review into the care and management of transgender offenders.

Answering member: Dr Phillip Lee | Department: Ministry of Justice

The Review into the Care and Management of Transgender Offenders will be published shortly.

10 Nov 2016 | Written questions | 51656

[Equality](#)

Asked by: Peter Bone

To ask the Minister for Women and Equalities, what assessment she has made of the potential effect of the UK leaving the EU on (a) gender equality, (b) the rights of disabled people and (b) the rights of lesbian, gay, bisexual and transgender people.

Answering member: Caroline Dinenage | Department: Women and Equalities

The UK has some of the strongest equality legislation and policies in the world. This will continue to be the case after we leave the EU.

Domestic equality policy has always been set by Governments in this country and this will remain so. Many of the policies that we have in place go beyond what is required by the EU. The Government Equalities Office will continue to follow an ambitious programme of work to ensure that everyone has a fair chance and that no one is discriminated against because of their background.

02 Nov 2016 | Written questions | 50177

[Sex and Relationship Education](#)

Asked by: Catherine West

To ask the Secretary of State for Education, if the Government will ensure that the sex and relationships education curriculum includes (a) LGBT issues and (b) supporting young people's long-term physical health, mental health and general wellbeing.

Answering member: Edward Timpson | Department: Department for Education

We are clear that as part of schools' duty to teach a broad and balanced curriculum, all young people should be provided with a curriculum that prepares them for success in adult life. We have made it clear in the introduction to the national curriculum that all schools should make provision for high-quality, age appropriate personal, social, health and economic (PSHE) education, which includes sex and relationships education (SRE).

When teaching SRE, all schools, including academies through their funding agreement, must have regard to the Secretary of State's Sex and Relationship Education guidance. The guidance sets out that young people, whatever their developing sexuality, need to feel that their school's SRE is relevant to them and sensitive to their needs, and that teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support. Schools are also bound by the Equality Act 2010 and the Public Sector Equality Duty 2011, to ensure that teaching is accessible to all children and young people, including those who are lesbian, gay, bisexual and transgender.

When delivering PSHE, schools and teachers have the freedom to design lessons that meet their pupils' needs, taking account of pupil and parent views. PSHE lessons can provide knowledge to support young people's long-term physical health, mental health and general wellbeing.

Teachers are encouraged to develop their practice with the support of specialist organisations and expert professionals. Many of these specialist organisations have produced resources, including the issues you identify, which can be used and adapted by schools.

As the Secretary of State said at the Education Select Committee hearing in September 2016, we need to look again at how schools deliver high quality PSHE including SRE. We are considering all the options and will come to a view soon.

18 Oct 2016 | Written questions | 47734

[LGBT People](#)

Asked by: Debbonaire, Thangam

To ask the Minister for Women and Equalities, with reference to page eight of the Government's response to the First Report of the Women and Equalities Committee of Session 2015-16, on Transgender Equality, HC 390, by what date the Government plans to publish an update report on both the existing Transgender Action Plan and the 2011 LGBT Action Plan which includes LGB as well as transgender commitments.

Answering member: Caroline Dinenage | Department: Women and Equalities

On 7 July 2016, the Government responded to the Women and Equalities Select Committee inquiry on transgender equality. In this, we committed to publishing an update on progress against "Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward (2011)"; and "Advancing transgender equality: a plan for action (2011)".

The Government will publish both of these documents in due course.

15 Sep 2016 | Written questions | 45657

[Gender Recognition](#)

Asked by: Richard Burden

To ask the Minister for Women and Equalities, what steps the Government is taking to (a) ensure that support services for transgender people are made more accessible and localised and (b) enhance existing transgender support services.

Answering member: Caroline Dinenage | Department: Women and Equalities

The Government is dedicated to improving the lives of transgender people and ensuring that barriers to their success are removed from society.

This is reflected in the Government response to the Women and Equality Select Committee inquiry into transgender equality, where we set out a range of initiatives to improve the lives of transgender people. This includes improving the way people are supported by gender identity services through new training of NHS staff. The Government response can be accessed at:

<https://www.gov.uk/government/publications/transgender-equality-report-government-response>.

This is not the only work we have delivered. In November 2015, the Government issued 'Providing services for transgender customers: a guide', which set out advice for all service providers to ensure that transgender people are welcomed, included and valued as customers, clients, users or members, and that they are treated fairly and appropriately. This can be accessed at:

<https://www.gov.uk/government/publications/providing-services-for-transgender-customers-a-guide>.

Alongside those initiatives, the Government will continue to push forward action to tackle transgender inequality and improve services for transgender people.

15 Sep 2016 | Written questions | 45470

[Pupils: Gender Recognition](#)

Asked by: Richard Burden

To ask the Secretary of State for Education, what steps her Department is taking to ensure that appropriate pastoral and other support is available in schools for people who identify as transgender.

Answering member: Caroline Dinenage | Department: Department for Education

We are committed to building a society where transgender people feel safe and supported. While individual schools are best placed to decide what pastoral support to put in place, they do this in the framework set by the public sector equality duty.

The provisions of the duty are not intended to be burdensome but set some clear expectations. The Department's guidance on how the duty applies to schools can be found at:

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>.

It sets out that the duty includes having due regard to the need to advance equality of opportunity for pupils with protected characteristics – including those who identify as transgender – and schools have to publish information on how they are complying.

The guidance also sets out that advancing equality of opportunity involves, in particular:

- (a) removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have;
- (b) taking steps to meet the particular needs of people who have a particular characteristic; and
- (c) encouraging people who have a particular characteristic to participate fully in any activities.

To further support LGB&T pupils we recently announced £4.4 million in funding over the next two years to support anti-bullying schemes. This includes £2.8 million for six projects tackling homophobic, transphobic and biphobic (HBT) bullying. Bullying is best tackled as part of a whole-school approach to create inclusive environments where pupils get appropriate support and the HBT-focused projects will support schools with doing that.

15 Sep 2016 | Answered | 45468

[Gender Recognition](#)

Asked by: Kevin Foster

To ask the Secretary of State for Justice, for what reasons the Gender Recognition Panel administrative guidance states that the Statutory Declaration should be dated within six months of the date of the Gender Recognition Certificate application.

Answering member: Dr Phillip Lee | Department: Ministry of Justice

The date of the statutory declaration needs to be close to the date of application for a GRC (Gender Recognition Certificate) because the Gender Recognition Panel must be satisfied that the applicant and the spouse's consents are still valid and current at the time of the application for a GRC. The 6 month timeframe reflects this need for up-to-date evidence.

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6. Organisations and further reading

[Arcus Foundation](#)

Working on national, regional, and international levels, Arcus contributes to the development of a global movement integrating sexual orientation and gender identity into shared conceptions of human rights.

[Equality and Diversity Forum](#)

The Equality and Diversity Forum (EDF) is a national network of organisations committed to equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination based on age, disability, gender and gender identity, race, religion or belief, and sexual orientation.

[This section of the website](#) contains information and resources brought together by the Equality and Diversity Forum to raise awareness on equality, human rights and related subjects and to support the work of organisations working on these issues.

[Equality and Human Rights Commission](#)

An independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain. The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation – these are known as protected characteristics.

[European Institute for Gender Equality](#)

As an autonomous body, EIGE operates within the framework of European Union policies and initiatives. The European Parliament and the Council of the European Union defined the grounds for the Institute's objectives and tasks in its Founding Regulation and assigned it the central role of addressing the challenges of and promoting equality between women and men across the European Union.

Government Equalities Office. [Government response to the Women and Equalities Committee report on transgender equality](#). Cm 9301. July 2016.

House of Commons Women and Equalities Committee. [Transgender equality](#). First report of session 2015-16. HC 390. 14 January 2016.

Jeffreys, Sheila. [They know it when they see it: the UK Gender Recognition Act 2004](#) British Journal of Politics and International Relations, 2008 vol 10 p328-45.

Learning and Skills Improvement Service. [Promoting transgender equality in further education](#). LSIS. Undated.

McQueen, Paddy.

[Feminist and trans perspectives on identity and the UK Gender Recognition Act](#) British Journal of Politics and International Relations, 2016 vol 18 p671-87

Race Equality Foundation. [Barriers to health faced by transgender and non-binary black and minority ethnic people](#). Better Health Briefing Paper 41. May 2016.

Scottish Government. [A Plan for Scotland 2016-17: The Government's programme for Scotland](#) 2016

[Scottish Transgender Alliance](#)

The Scottish Transgender Alliance works to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

Stonewall

[Stonewall and trans equality](#) pages.

[Trans Equality Legal Initiative](#)

The Trans Equality Legal Initiative is a new initiative aiming to provide the ultimate forum for the discussion of trans rights in the United Kingdom.

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