



## **Gender Identity Research & Education Society**

Consultation on LSB Draft Business Plan 2016/17.

Response on behalf of GIRES

### About the Gender Identity Research & Education Society (GIRES)

GIRES is a registered charity providing support and information to those affected by gender identity conditions, their families, employers and service providers.

Further information can be found on our website [www.gires.org.uk](http://www.gires.org.uk)

## **Response**

We are pleased to see more references to Equality & Diversity in this Plan after just 3 short paragraphs in the strategy document published last year.

We look forward to further engaging with you on your stated business objectives of further promoting equality and diversity, ensuring your decisions take account of all relevant equality and diversity information and ensuring that your own practices and procedures focus on equality and diversity issues.

Our view remains that the priority should be adequate training and other communications strategies to ensure that trans issues are better understood by both regulators and providers of legal services.

## **Consultation questions**

### **1. Do you have any comments on our proposed work plan?**

There is inevitably some overlap of the roles of regulated legal practitioner as both service provider to customers and engager of staff. Trans individuals can of course be all of those.

The same applies to both vulnerable consumers and those consumers protected under the Equality Act. Again trans folk may fall within either category.

That said research into understanding how vulnerable consumers access legal services seems sensible.

We particularly welcome the commitment at para 54 that in 2016 -17 the LSB will explore further education and training on diversity. Our view is that education and training in trans issues should be provided to all legal practitioners and support staff covering all roles and the wide range of issues affecting trans individuals. Such issues include use of correct names and pronouns, access to toilets, transphobic bullying, storage of confidential information, and the general legal requirements of the Gender Recognition and Equality Acts.

**2. Do you have any comments on the research we have proposed?**

Research on Unmet Legal Need could include work on why trans individuals are reluctant to eg instruct solicitors. As we have said not all trans clients are vulnerable but they are an Equality Act protected category and there are all sorts of issues such as the requirement to supply proof of identity, concern about not being taken seriously, fear of being “outed” in Court proceedings etc.

**3. Do you have any comments on the commission we propose for the Legal Services Consumer Panel?**

The information supplied by the LSCP may well support our suggestion above. For example if a solicitor has been disciplined for transphobic discrimination that would be of interest to a trans consumer.

**4. Do you have any comments on the LSB’s budget?**

GIRES does not have the necessary expertise to answer this.

## **5. What one thing could the LSB do in 2016/17 to help resolve the challenges you see coming in the next year?**

If the recommendations of the recently published House of Commons Women & Equalities Committee Report on Transgender Equality\* are now implemented the trans community is likely to become larger and more influential. For example, the Report recommended changing the title of the definition in the Equality Act from “gender reassignment” to “gender identity” to encompass non-binary and non-gendered individuals and it also recommended that the current procedure for obtaining a Gender Recognition Certificate be simplified.

In addition there are other recent developments such as the identification of former barrister and High Court Master Dr. Victoria McCloud as the most senior transgender figure in public life and the setting up of the new Law Society LGBT Division.

The LSB needs to be aware of this and the growing need for adequate and up to date training for legal practitioners and regulators.

## **6 Any other issues?**

Your web page reciting the Equality Act Protected Characteristics needs to be amended to use the statutory wording. Your description is “transitioning from one gender to another” whereas the actual definition below is quite different.

*“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.”*

\*<http://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/390.pdf>

GIRES  
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