

The City of Edinburgh Council

Questions

1 Do you have any comments on the proposal that applicants must live in their acquired gender for at least 3 months before applying for a GRC?

Yes

If yes, please outline these comments.:

The draft Bill currently proposes that a gender recognition certificate will only be granted if the applicant states that they have been living in their acquired gender for 3 months prior to the date of application and intend to continue to live in their acquired gender permanently.

We note further consideration could be given as to whether any time period at all should be a requirement.

Improvements to streamlining and simplifying processes for citizens this effects and their interaction with council services is welcome.

2 Do you have any comments on the proposal that applicants must go through a period of reflection for at least 3 months before obtaining a GRC?

Yes

If yes, please outline these comments.:

The draft Bill currently proposes that applicants must wait for 3 months after their initial application before confirming that they wish to continue with their application. They would then be granted a gender recognition certificate.

Similarly to Question 1, this proposal would improve on the existing process for citizens where they access council services and employees.

3 Should the minimum age at which a person can apply for legal gender recognition be reduced from 18 to 16?

Yes

If you wish, please give reasons for your view.:

The draft Bill proposes to change the law so that 16 and 17 year olds will be able to apply for legal gender recognition. However, it does not propose a system to enable transgender children and young people under 16 to apply for legal gender recognition. This question is only about the age of legal recognition and does not affect medical treatment available to young people and children.

The Scottish Government's proposals to lower the age for gender recognition to 16

would be in line with the rights of 16 and 17 year olds in Scotland to marry, gain employment, vote, and be held legally responsible for their actions. The ability to change the birth certificate would be in keeping with this.

However, transgender children and young people under the age of 16 should similarly be able to update their birth certificates with the aid of parental or guardian support. This would match with their existing ability to change their sex on their school records, medical records and passport. Often children and young people under 16 need to use their birth certificate more than adults do in engaging with council services so being able to change it is beneficial.

4 Do you have any other comments on the provisions of the draft Bill?

Yes

If yes, please outline these comments.:

Making legal gender recognition a more straightforward process will relieve a lot of stress for many transgender people, who will no longer need to gather evidence and medical reports to be recognised as who they are.

Although this Bill represents an improvement in transgender people's rights, there are gaps with regards to non-binary people (those who do not identify as exclusively male or female). Consideration should be given to the recognition of non-binary identities.

Organisationally, guidance is currently being developed for managers to support staff that are transitioning. This will be able to be adapted in light of any changes to the legislation. In supporting the proposed changes, the potential sensitivity of the issues raised are acknowledged. Whilst appropriate policy and procedures for staff are currently in place, additional planned work will support the ongoing development of practice, including the provision of additional training and support, where appropriate.

5 Do you have any comments on the draft Impact Assessments?

Yes

If yes, please outline these comments.:

The Bill covers how transgender people's birth certificates are changed, which impacts the level of privacy they are entitled to, such as when getting a job or marrying, and how they are recognised after death. The Bill will not have a detrimental impact on the rights of other people.

Access to single-sex council run spaces and facilities, such as toilets, changing rooms, and women-only services will not be impacted. Nobody is required to show a birth certificate to prove their eligibility for these spaces or services now, and this will not change.

How someone applies for gender recognition – or whether their birth certificate matches who they are – does not impact on their access to single sex spaces, or anything else that does not require a birth certificate.