



Trans Inclusion and Gender Identity Policy

Bristol City Council

Version 1.2

Policy overview

Policy title: Trans Inclusion and Gender Identity Policy

Authorising Head of Service/Director: Chief Executive

This policy is for use by Bristol City Council service managers.

**Has an Equality Impact Assessment form been:
completed for this policy?**

Yes

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Table of Contents

Policy overview	1
Introduction	2
1. What does ‘trans’ mean?	3
1.1 Gender and Sex	3
1.2 Sexual Orientation	4
2. Legal and protections	4
3. Pronouns and language	5
4. What is transitioning?	5
5. Providing Trans Inclusive Services	6
5.1 Updating records and acceptable ID	6
5.2 Single Sex Services	7
6. Discrimination, harassment and victimisation	8
6.1 Freedom of speech and expression	9
7. Use of toilets, washing and changing facilities	9
8. Support and resources	10
9. Terminology	10
10. Monitoring and evaluation	12
11. Version control table	12

Introduction

Bristol City Council is committed to providing and promoting inclusive services for everyone in Bristol, including trans and gender-diverse people. Our ambition is to create a fair, safe, accessible, and inclusive city where everyone feels they belong, has a voice and an equal opportunity to succeed and thrive.

This policy outlines the council’s approach to providing trans inclusive services whilst making sure other characteristics including sex-based protections are correctly and lawfully accounted for. It accompanies our Supporting Trans Inclusion and Gender Identity at Work Policy for council employees, and wider Equity and Inclusion Policy and Strategic Framework and Corporate Strategy.

1. What does “trans” mean?

In this policy, the word "trans" is used to mean people who have the protected characteristic of gender reassignment under the Equality Act 2010.

The Equality Act 2010 says that a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing, or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. This process does not need to involve any medical treatment or surgery.

A trans man is someone who was assigned female at birth but identifies and lives as a man, and a trans woman is someone who was assigned male at birth but identifies and lives as a woman. As part of their transition, some people may take social, legal, and medical steps to live in their affirmed gender identity. Individuals may or may not use varying levels of medical intervention to express themselves in their affirmed gender identity, and it should not be assumed that all trans men or trans women will be seeking hormonal or surgical interventions to change their bodies.

People who have undergone a process of gender reassignment may or may not publicly identify as being trans and are not required to reveal their gender history except in very limited circumstances. People obtaining a Gender Recognition Certificate are not required to reveal their birth sex or gender history, although they may choose to disclose these.

The Council understands that, more generally, the word “trans” is often used to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. These people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, genderqueer (GQ), gender-fluid, non-binary, agender, trans man and trans woman. Please refer to the Terminology section at the end of this policy. Not all of these people have the protected characteristic of gender reassignment for the purposes of the Equality Act 2010.

While the Council uses the narrower, legal definition of “trans”, “trans person”, “trans man” and “trans woman” in this policy, the Council is nonetheless committed to creating an inclusive environment for all, including gender diverse people who fall outside the legal definition of “trans”.

1.1 Gender and Sex

People often use the terms ‘gender’ and ‘sex’ interchangeably when talking about a person being male or female, or masculine or feminine. However, ‘sex’ is recorded at birth and refers to a person’s biological status as either male or female, based on their physical attributes and anatomy.

'Gender' refers to the characteristics typically associated with being feminine or masculine that are constructed by society. This includes norms, behaviours and roles associated with being a woman, man, girl or boy etc. as well as relationships with each other. Ways of understanding gender vary from society to society and can change over time. Gender identity is an internal and individual experience of being feminine, masculine, a mixture of these, or rejecting current gender norms entirely.

Sex and gender are often assumed to match, and people who do not conform to this expectation can face discrimination and marginalisation. It is also important to avoid gender stereotyping. A gender stereotype is a generalised view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by, women and men.

For the purposes of the Equality Act 2010, the protected characteristic of sex refers to sex recorded at birth (male or female), and this is distinct from the protected characteristic of gender reassignment.

Bristol City Council remains committed to delivering services that are inclusive, respectful and accessible to all in line with equality duties and human rights principles.

1.2 Sexual Orientation

In the Equality Act 2010, sexual orientation means a person's sexual orientation towards persons of the same sex, persons of the opposite sex, or persons of either sex.

Sexual orientation is distinct from gender identity and trans people might identify as being 'straight' (heterosexual), lesbian, gay, bi, pansexual or asexual etc. For example, a trans woman could identify as straight, or pansexual, or asexual, or something else.

2. Legal and protections

Trans people (who have the protected characteristic of gender reassignment) have a right not to be discriminated against or subjected to victimisation or harassment under the EA 2010. This does not legally apply to non-binary and gender fluid people. However, the Council is committed to providing an inclusive environment for all.

Trans people also have human rights to live fully in their acquired gender, which are protected under Article 8 and 14 of the European Convention on Human Rights and the Human Rights Act 1998. Gender diverse people also have relevant human rights under these Articles. Any interference with these rights must be lawful and proportionate.

The Gender Recognition Act 2004 allows trans people, provided they meet the requirements outlined in the Act, to obtain a Gender Recognition Certificate (GRC).

This enables them to obtain a birth certificate with their acquired gender marker stated on it. This certificate recognises them as their affirmed sex in many legal contexts. It does not affect their position under the EA 2010 or in respect of single or separate sex services.

3. Pronouns and language

Pronouns are words that can be used as substitute for a noun, including the words we use to refer to people's gender. Examples of pronouns include I, me, mine, he/she, his/her, herself, they/them, we, us, ours and ourselves. Some people use gender-neutral language like they/them. Asking someone which pronouns they use can help to avoid making assumptions and potentially getting it wrong.

Language is continually evolving and how a person chooses to describe themselves should always be respected. If you are unsure how to address someone, it is always best to ask them rather than to assume.

We will ensure that any forms and databases used allow people to provide their preferred title and pronouns.

4. What is transitioning?

'Transitioning' is a term used to describe the steps an individual takes in order to live in their affirmed gender identity, which may be as a man, woman, non-binary, gender fluid or agender person.

Each person's transition process will be different and may consist of a number of different social, medical and/or legal steps. These may include dressing differently, a change of name and/or pronouns, changing documents such as credit cards, utility bills and employment records, having hormone therapy, speech therapy and/or surgeries, or gaining legal recognition of their affirmed gender as set out in the Gender Recognition Act 2004¹. Many trans people do not want or need to undergo medical intervention, and employment rights do not depend on whether a person has a Gender Recognition Certificate (GRC).

Bristol City Council is committed to ensuring that everybody receives the dignity and respect they are entitled to regardless of what their transitioning process looks like, and that they can continue to access council services without fear of bullying, discrimination, harassment or victimisation.

¹ As the Gender Recognition Act 2004 currently requires a person to show evidence that they have been living and working in their affirmed gender for at least two years, obtaining a GRC, if desired, usually happens at a later stage.

5. Providing Trans Inclusive Services

Bristol City Council's Equity and Inclusion Policy and Strategy sets out our overall approach to shaping and delivering services which actively address inequality, promote inclusion, and build positive relationships between communities.

Council departments may need to develop distinct procedures and pathways to support trans and gender-diverse people to access their services based on sector-specific guidance and the particular needs and circumstances of service users. This approach will be considered using Equality Impact Assessments to ensure all protected characteristics have been considered and through Equality Action Plans for each council department.

General examples of good practice include:

- Proactively stating that you support and welcome trans people and display inclusive messaging.
- Accepting trans and non-binary people as they are and using the name and pronouns they ask you to use.
- Avoiding making assumptions about people's gender and use gender-neutral language when people's genders are unknown to you.
- Considering whether you need to ask someone's gender and avoiding requiring anyone to state their gender in public.
- Ensuring services are provided that meet the needs of all those who use them, in line with Equality Act 2010 provisions. This may involve offering services either on a mixed, individualised, trans inclusive separate or single gender basis, or single or separate sex basis, depending on which lawful option it considers is practicable, proportionate and best meets the needs of those using the service. It may also involve providing a mix of services accessible on different bases.

At all times, the Council will take reasonable steps to make it clear what access policies apply to a given service or space, so that those accessing it know what is the most appropriate service for them.

5.1 Updating records and acceptable ID

If a service user advises that they are transitioning, or their gender is different from our records we will update relevant documentation and records efficiently and sensitively. We will only ask for a title if necessary and include gender-neutral options e.g., 'Mx'.

We will accept a range of ID other than a birth certificate, for example a driving licence, passport, Statutory Declaration or change of name by Deed Poll. A Gender Recognition Certificate is not required unless updating birth certificate, death certificate or marriage records.

There may be exceptional circumstances when services need to take a different approach to ID and updating records – see Single Sex Services section below.

5.2 Single Sex Services

As a general principle, Bristol City Council seeks to provide services that are inclusive and accessible to trans and gender diverse people wherever this is permitted by law. However, where relevant, it will consider whether the needs of others require a single or separate sex service.

The Equality Act 2010 allows for the provision of single or separate sex services accessible on the basis of a person's assigned sex at birth in certain circumstances.

These arrangements are only lawful where they are a proportionate means of achieving a legitimate aim, taking account of the specific circumstances of the service.

Legitimate aims may include, for example:

- protecting privacy, dignity or safety, particularly in situations involving undressing or personal care
- sensitivities arising from religion or belief, particularly in situations involving undressing or personal care
- protecting women's ability to feel safe accessing services linked to trauma, including male violence against women

When considering the proportionality of offering such services, these considerations must be balanced with the impact on others excluded from accessing the service, including those with the protected characteristic of gender reassignment, recognising the importance of delivering services that are inclusive and respectful.

Some services may choose to operate on a mixed sex or inclusive basis, including welcoming people to separate or single gender services on the basis of their gender identity. In these cases, services should be clear that they are not operating as single or separate sex services based on assigned sex at birth and should describe their eligibility criteria accurately and transparently.

When designing or reviewing services, we will actively consider all options for access policies. This may include, for example:

- providing mixed sex services alongside single sex provision
- providing trans inclusive single or separate gender services
- offering separate sessions or alternative provision
- adapting facilities to increase privacy, such as self-contained or individual spaces.

6. Discrimination, harassment and victimisation

All service users, citizens and council employees have the right to be treated with dignity and respect and Bristol City Council will not tolerate any discrimination, harassment, victimisation or bullying on the grounds of any protected characteristic, including but not limited to gender reassignment.

Transphobia is a fear, hatred or prejudice against trans people.

Direct discrimination occurs when someone is treated less favourably because of a protected characteristic - for example by refusing to employ them or offer them a service which they would otherwise be able to receive.

Indirect discrimination occurs where a practice, policy or rule applies to people with and without a protected characteristic in the same way but ends up having a disproportionately negative impact on people with a protected characteristic – for example requiring a birth certification as a form of identification when other official ID would be equally suitable and lawful.

Victimisation occurs when someone is treated badly because they have made or supported someone to make a complaint of discrimination.

Harassment. The Council recognises that harassment can take many forms and can be subtle and insidious in nature. Where we are aware of any harassment related to a protected characteristic, then this will be reported and recorded as appropriate. We will always take the impact of hate motivated abuse seriously and signpost victims to Bristol Hate Crime and Discrimination Services (bhcds.org.uk) for support.

Below are some examples of unacceptable behaviour (this list is not exhaustive):

- Deliberately disclosing somebody's trans status, trans history or transition without their consent
- 'Deadnaming' or referring to a trans or non-binary person by a name they used prior to transitioning, such as their birth name. Deadnaming may be unintentional, or a deliberate attempt to deny, mock or invalidate a person's gender identity.
- Asking intrusive questions about somebody's gender identity or transition
- Verbal abuse, including threats, derogatory name-calling, insults, ridicule or belittling of trans and gender-diverse people
- Telling demeaning or offensive jokes about somebody's gender identity, gender expression or sex characteristics
- Displaying or circulating offensive material relating to somebody's gender identity, gender expression or sex characteristics, for example by email, text message or via the internet
- Violence or the threat of violence

- Repeated or deliberate misgendering (misgendering can amount to harassment and discrimination, depending on the circumstances)

To report transphobic hate crime call SARI: 0800 171 2272 or to talk to someone call MindLine Trans+: 0300 330 5468.

More advice on recognising hate crime can be found here: [What is Hate Crime? - SARI](https://www.saricharity.org.uk/what-is-hate-crime/) ([saricharity.org.uk](https://www.saricharity.org.uk))

More information on gender reassignment discrimination can be found here [Gender reassignment discrimination | Equality and Human Rights Commission](https://www.equalityhumanrights.com/en/gender-reassignment-discrimination) ([equalityhumanrights.com](https://www.equalityhumanrights.com))

6.1 Freedom of speech and expression

The Council recognises that people hold a range of views about sex and gender. These include views that biological sex is real, important and cannot be changed, and that it is not to be conflated with gender identity. Some people believe that treating sex and gender identity as the same may affect rights that are based on a person's sex, particularly the rights of women. These views are sometimes described as "gender critical". However, not everyone who holds some or all of these views would describe themselves in that way, so care should be taken not to make assumptions or apply the term to everyone.

The Human Rights Act 1998 has Articles which protect freedom of belief and freedom of expression, and people who do hold gender critical beliefs are protected from discrimination by the Equality Act 2010 under the characteristic of Religion or Belief, which includes strongly held philosophical beliefs that affect a person's life choices or the way they live.

However, these rights do not provide a person with impunity to engage in acts of discrimination, harassment or victimisation directed against any group or individuals. When responding to a manifestation of a protected belief, the Council will act lawfully and proportionately, taking into account the need to protect the rights and freedoms of all involved.

7. Use of toilets, washing and changing facilities

The provision of different types of facilities in specific locations falls outside the scope of this policy and should be considered on a case-by-case basis, with reference to contemporaneous law, regulations and guidance, and taking into consideration the requirements and limitations of specific locations.

Different obligations apply to the Council when it is providing toilets, washing and changing facilities to its employees and when it is providing them to members of the public in its capacity as a service provider.

As an employer, the Council will always ensure that its employees have access to suitable and sufficient facilities, in accordance with the Workplace Regulations 1992. These may be either single sex facilities or facilities that are in an individual, lockable, private space. The Council will additionally make sure that there are suitable and sufficient facilities available to be accessed by trans and gender diverse people, whether in the form of individual, lockable private spaces or trans inclusive single gender facilities or unisex facilities with appropriate privacy for users.

As a service provider, the Council will consider offering a range of facilities depending on which lawful option it considers is practicable, proportionate and best meets the needs of those using the service. The Council will take into account the particular importance of privacy and the associated sensitivities surrounding sex and gender in the context of changing rooms. Wherever possible, the Council will make private spaces available for changing.

8. Support and resources

Confidential support and advice

MindLine Trans+ - this is a UK wide service offering a confidential mental health support helpline for people who are trans, agender, gender fluid or non-binary. The helpline can also support family members and friends, or signpost to other services or resources.

The helpline is open Monday and Friday, 8pm – midnight, on **0300 330 5468**.

Switchboard LGBT+ Helpline – this is an LGBT+ helpline which is open 10am – 10pm every day, and can be contacted by phone on **0300 330 0630**, or by online chat or email from their website <https://switchboard.lgbt/>

Bristol Trans Pledge - This is a pledge that people and organisations in Bristol can support to show they believe that trans people have the right to be treated equally.

9. Terminology

This list is not exhaustive, and terminology evolves so it will be amended in future updates as necessary.

Acquired gender: The *Gender Recognition Act 2004* uses this term to describe a person's gender after transitioning. Many people prefer to use the term 'affirmed gender', which is the term used in this policy. This term is not inclusive for people who are non-binary, gender-fluid or who do not have a fixed gender.

Agender: This is a term for individuals who are genderless or who reject gender identification completely.

Assigned Sex: Sex is legally assigned soon after birth based on clinical observations. Currently in the UK people can only be legally assigned 'Female' or 'Male'. Some other countries legally recognise non-binary or third gender classifications markers. See also 'Intersex' below.

Cisgender: This is a term derived from genetics used to describe a person whose gender identity is the same as that associated with the sex they were assigned at birth. It should be noted that some people are unhappy to be described as cisgender.

Gender-diverse: A term is used to refer to people whose gender identity, including their gender expression, is different from what perceived as being the gender norm in a particular context at a particular point in time, including those who do not place themselves in the male/female binary. Gender-diverse people may or may not consider themselves to be trans or transgender.

Gender dysphoria: A medical term used to describe when an individual experiences discomfort or distress because their gender identity does not align with that associated with the sex they were assigned at birth. Not all trans people will experience or have experienced gender dysphoria.

Gender expression: This refers to the ways in which people manifest their gender identity, for example through their appearance and behaviour.

Gender fluid: A gender identity which is not fixed, and varies.

Gender identity: This refers to a person's deeply felt internal experience of gender, which may or may not correspond to that associated with the sex they were assigned at birth.

Gender queer: This is an umbrella term used when people do not associate with the man-woman binary. An individual identifying as gender queer may align to being both or neither male and female gender or outside of these categories.

Gender variant: This is one term used to refer to those whose gender expression does not conform to society's norms of female and male. Other terms may also be used such as gender non-conforming or gender atypical.

Intersex: Some people are born with variations in sex characteristics, sometimes referred to as intersex, differences of sex development or by using the name of a specific variation. This does not mean that they are neither male nor female. Most intersex people are either male or female and all have a sex registered at birth.

Non-binary: This is a term for individuals who feel that their gender identity is outside the binary categories of 'man' and 'woman' or 'male' and 'female'. They may define themselves as both male and female, as neither, or something different. They may or may not have medical interventions to align their body with their non-binary gender identity.

Trans (or transgender):

The word “trans” is often used to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. These people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, genderqueer (GQ), gender-fluid, non-binary, agender, trans man and trans woman.

However, as explained above, in this policy, the word trans is only used to refer to people with the protected characteristic of gender reassignment. 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.

Transitioning: This is a term used to describe the process and steps an individual takes in order to live in their affirmed gender identity. Each person’s transition will be unique to them, and it does not necessarily include any aspect of medical intervention.

Transsexual: This is a legal term used in the *Equality Act 2010* to describe a person with the protected characteristic of gender reassignment. 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.

Trans woman: A person may describe themselves as a trans woman if they were assigned male at birth but identify and live as a woman. Some may also use the abbreviation MTF (male-to-female). Please be aware that some people may not wish to be identified as trans after transitioning and wish to be referred to as a woman rather than a trans woman.

Trans man: A person may describe themselves as a trans man if they were assigned female at birth but identify and live as a man. Some may also use the abbreviation FTM (female-to-male). Please be aware that some people may not wish to be identified as trans after transitioning and wish to be referred to as a man rather than a trans man.

10. Monitoring and evaluation

The policy will be reviewed annually or in line with legislative or regulatory changes.

11. Version control table

Date	Author	Version	Change Summary
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18/08/2023	Equality and Inclusion Team	V1.0	Initial final version. For changes since Consultation Draft see Section 13.
23/08/2024	Equality and Inclusion Team	V1.1	Section 13 'You Said, We did' removed as available <u>online here</u>
04/08/2026	Equality and Inclusion Team	V1.2	Updated to reflect Supreme Court ruling and EHRC Code of Practice.

Table 1 Version control table