

Gender Diversity FAQ

Gender Concepts

[What is “gender diversity”?](#)

[What does “Gender Identity” mean?](#)

[Gender identity](#)

[Gender roles](#)

[Gender expression](#)

[Gender non-conformity](#)

[Gender reassignment](#)

Gender Identities

[What do “transgender” and “cisgender” mean?](#)

[What does “nonbinary” mean?](#)

[What is the difference between “sex” and “gender”?](#)

[What does “Intersex” mean?](#)

[Collecting data on Sex & Gender](#)

[Recommended questions for collection of Sex & Gender identity:](#)

Interacting with Gender Diverse People

[“my pronouns are...”](#)

[What is misgendering?](#)

[Use of Sir/Madam](#)

[How do I ask someone what their pronouns are?](#)

[What should I do if I accidentally misgender someone?](#)

[What is “deadnaming”?](#)

[Talking about people’s experience of transition](#)

[Writing about trans people](#)

Gender diversity & the law

[What does the law say about transgender people?](#)

[Gender Recognition Act 2004 \(GRA\)](#)

[Equality Act 2010 \(EqA\)](#)

[Public Sector Equality Duty](#)

[Codes of Practice](#)

[Is Gender Identity a protected characteristic under the Equality Act 2010?](#)

[What is “Self ID”?](#)

Gender diversity in Hackney

[What are Hackney’s policies on gender diversity?](#)

[Policies & Guidance](#)

[Single Equalities Scheme](#)

[Single Sex Spaces](#)

[How many trans people are there in Hackney?](#)

[Trans people in Hackney: Infographic](#)

[What are the main needs and concerns identified by Gender Diverse people in Hackney?](#)

Proud Hackney - the LGBTQIA+ Staff Network

Gender Concepts

What is “gender diversity”?

Gender diversity is a way of describing gender beyond a simplistic male/female binary, recognising that worldwide there are more than two genders, and that sex is more complicated than a simple male/female binary. “Gender diversity” covers a wide range of cultural practices and identities which can differ significantly from culture to culture. Some cultures have a similar binary view of gender that is common in Britain, but others may have three or more genders. “Gender Diverse” or “Gender Variant” are sometimes used as umbrella terms to encompass trans, nonbinary, gender non-conforming and intersex people.

Further reading:

["Visualizing Sex as a Spectrum" - Scientific American, 2017](#)

[Openly Twitter Thread, 2021](#)

What does “Gender Identity” mean?

“Gender identity”, “gender roles” and “gender expression” are all different things.

Gender identity

Gender identity refers to your own sense of what your gender is. Everyone has a gender identity, and for most people it matches the gender they were assigned at birth. For others, their gender identity does not match the one assigned to them at birth. Some people may be [transgender](#) or [nonbinary](#). [Intersex](#) is not a gender identity, however some [intersex](#) people may have been assigned male or female at birth, but later identify as a different gender. As described in a report presented at the United Nations Human Rights Council in 2021 put it:

“Gender identity refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body and other [gender expressions](#), including dress, speech and mannerisms. Human experience in relation to gender identity and expression is both complex and rich. A wide range of gender identities and expressions exist in all regions of the world, as a result of long-established cultures and traditions that transcend concepts of gender considered as the norm in a particular place and time.”

Gender roles

Gender roles are the expectations that the societies or cultures in which we live impose on people of particular genders. Gender roles may vary from culture to culture, but generally include things like who does the child-rearing, the cooking, who is nurturing, who earns money, etc. Cultures which have more than two genders still tend to have gender roles, or certain expectations of the recognised genders. In the last few decades in Britain, in part due to feminist activism, there has

been significant movement towards viewing gender roles as socially constructed, rather than biologically determined, and gender roles are increasingly acknowledged as being harmful stereotypes.

Gender expression

Gender expression is how you present yourself to the world, for example your dress, hairstyle, makeup, mannerisms etc. The meaning of this will depend on the associations these expressions have with genders in a given culture, for example what is considered “masculine” or “feminine”? Many people will express their gender in line with their gender identity, but others may also choose to express their gender in an entirely different way to their gender identity. This is sometimes called “gender non-conformity”.

Gender non-conformity

Gender non-conformity means expressing yourself in a way which is different to your gender identity. People who are “gender nonconforming” sometimes abbreviated to “GNC”, may dress or act in a way which doesn’t conform to their culture or society’s expectations of gender roles and/or gender expression. Trans, nonbinary and cis people can all be gender non-conforming; being gender non-conforming does not mean someone is transgender.

Gender reassignment

Gender reassignment is the term used in the [Equality Act 2010](#) to describe the protected characteristic of transgender people. It is generally accepted to be a synonym for “[gender identity](#)”.

Gender Identities

What do “transgender” and “cisgender” mean?

The word “transgender”, or “trans”, is used to describe people who are a different gender to the one they were assigned at birth. The person may or may not be undergoing medical treatment. “Transsexual” is an older word for “transgender” and appears in legislation, however it tends to be seen as a more medicalised term. While some people do identify as transexual the word is generally not widely used by trans or nonbinary people. In UK law, “transgender” and “transexual” are synonyms.

“Cisgender” or “cis” describes a person whose gender identity corresponds with the one they were assigned at birth. So a cis man is someone who identifies as a man and was assigned male at birth. “Cis” is the antonym to “trans”, with cis meaning “on the same side as” and trans meaning “on the other side of”. Trans is not short for “transition”, although some trans people may undertake a transition process which may be social, medical or both.

Some trans people may also “detransition”, which means that they stop their social or medical transition and they may return to living as their birth-assigned gender. Research suggests that detransition is most often a response to transphobia and/or a lack of social, familial or medical support, and most trans people who detransition retransition later on in life.

This is covered in more detail in Hackney's [Inclusive Language guide](#).

What does “nonbinary” mean?

Nonbinary (sometimes written with a hyphen: non-binary) is an umbrella term for a person who does not identify as only male or only female, or who may identify as both, or as neither. “Nonbinary” can be someone’s gender identity, or they may be genderqueer, demigender, agender or another identity under the nonbinary umbrella.

Not all nonbinary people identify as transgender.

Many cultures and countries worldwide do not perceive gender as being binary as it is mainly seen in Britain.

This is covered in more detail in Hackney's [Inclusive Language guide](#).

Further Reading:

[A Short Guide to Non-Binary, Rainbow & Co July 2022](#)

[United Nations report on Gender inclusion, 2021](#)

["Visualizing Sex as a Spectrum" - Scientific American, 2017](#)

[Openly Twitter Thread, 2021](#)

What is the difference between “sex” and “gender”?

There is no straightforward answer to this question, and it has been the subject of academic and philosophical debate for a long time. Some languages and cultures don't have a separate word for sex & gender, some have many, and like with all language the meaning of words can change over time.

A United Nations report in 2021 makes the following distinction: “gender is a term used to describe a socio-cultural construct that ascribes certain roles, behaviours, forms of expression, activities and attributes associated with biological sex characteristics.”

In the [Equality Act 2010](#) “Sex” is defined as being a man or a woman, with the process of socially, legally or medically transitioning from one to the other as “[gender reassignment](#)”. Other legislation, including the [Gender Recognition Act 2004](#) (GRA), uses the words “sex” and “gender” interchangeably. If a trans person chooses to change their legal gender using the GRA, they will be able to have the “birth sex” section of their birth certificate amended to their new legal gender. This will enable them to be married as the correct gender and also to be recorded correctly on their death certificate. A Gender Recognition Certificate is not required in order to change a sex marker on medical records, driving licence, passport, or with a place of work. This means that while there may be different social meanings of sex and gender, in UK law and practice there is no distinction.

Nonbinary identities are not currently recognised in the Equality Act under the protected characteristic of “Sex”, but case law known as “[Taylor vs Jaguar Land Rover Ltd](#)” established in September 2020 that nonbinary people are protected under the characteristic of “[Gender Reassignment](#)”.

What does “Intersex” mean?

“Intersex” is not a gender identity. Intersex is used to describe people who were born with sex characteristics or physical traits that doesn't fit the typical biological definitions of female or male. These are also known as “Variations of Sex Characteristics” or “VSCs”. Some people prefer the term “VSC”, others prefer “Intersex”.

People who are Intersex may identify as male, female, nonbinary or in another way. It is difficult to know how many Intersex people there are, as this is not data that is routinely collected and there is still a great deal of stigma around and lack of knowledge of variations of sex characteristics which may make it hard for intersex people to disclose. The current estimate is that up to 2% of people could be born with variation of sex characteristics.

Under UK law it is legal and remains a practice to carry out surgery on babies born with sex characteristics that would identify a child with a VSC, such as differences in hormone levels and production, chromosomal variation, differences in reproductive organs and/or sexual anatomy. This is controversial and a key area for intersex activism, as many Intersex advocates view this surgery as non-consensual, violent and medically unnecessary. Following many years of campaigning, a few states in the USA have passed resolutions admonishing these practices and two hospitals have ceased the practice. Malta and Tamil Nadu in India are some of the few places in the world that have an outright ban on these surgeries.

You may also come across the term “Disorder of Sex Difference” or “DSD”. This is less popular among intersex advocates, as it pathologises their bodies, rather than taking the approach of acceptance of diversity.

For further information, check out [Interact's Intersex Variations Glossary](#) - a guide to people centered definitions of intersex traits & variations in sex characteristics.

This is covered further in the [Inclusive Language guide](#).

Further Reading

[Intersex Variations Glossary - a guide to people centered definitions of intersex traits & variations in sex characteristics \(2022\)](#)

[Supporting Intersex Inclusion in the Workplace - Out & Equal](#)

[The variations of sex characteristics and intersex project](#)

[How to be an Intersex Ally. ILGA, 2015](#)

[Intersex Human Rights issues. OIIE, 2021](#)

Collecting data on Sex & Gender

Questions on Sexual Orientation and Gender Identity (often shortened to “SOGI” in data collection) can be particularly challenging to get right, however as a local authority with a [duty](#) under the [Equality Act](#) to promote equality, it is important we collect data on our communities and understand the [local need](#).

Not all people will feel safe or confident in disclosing that they are trans or nonbinary, so getting the balance right in framing data collection questions is vital. When collecting data on sex & gender of staff or residents, the guiding questions should be “**what do we want to know**” and “**why do we want/need to know this**”. This will help define the questions and the accompanying narrative.

The important aspect of any data collection is not the literal terms used, but that the terms used are easily understood, are collected with proportionate means to achieve a legitimate aim and that those completing data monitoring information understand the purpose of collection. We should also be mindful that the process of data collection, including the questions asked and the phrasing, does not create a hostile environment for marginalised staff or residents.

If we are collecting statutory data where we do not have control over the questions asked, for example for statutory HMRC returns, this should be explained in a narrative alongside the question.

When asking about gender identity, it is important to remember that “Transgender” is not a sexual orientation or gender identity, it is a way of describing the relationship of a person’s gender identity to that assigned at birth.

Recommended questions for collection of Sex & Gender identity:

What is your gender?

- Male
- Female
- Nonbinary
- Another term [free text]
- Prefer not to say

Is your gender identity the same as the sex you were assigned at birth?

- No
- Yes
- Prefer not to say

Further reading:

[United Nations report on Gender inclusion, 2021](#)

[Stonewall Guide to LGBT+ data collection, 2016](#)

[Safety & personal data, ILO 2021](#)

[How to ask about gender and sexual orientation in a survey - Survey Monkey](#)

Interacting with Gender Diverse People

“my pronouns are...”

Independent personal pronouns are the words we use to refer to a person. In English, these are gendered, and sometimes known as “gender pronouns”. Not all languages have gendered pronouns - only around half of languages worldwide. The ones we are most familiar with in English are “she/her/hers” and “he/him/his”. Many nonbinary people may use “they/them/theirs” which may feel odd at first as we tend to assume these are for groups of people, but the singular “they” pronoun has been in common usage in English for a long time and is commonly used to refer to someone whose gender you do not know; for example “someone has left their phone behind in the office”. There are also a number of [other English gender pronouns](#) which are less well known.

As [gender expression](#) and [gender identity](#) are different things, it might not always be obvious what gender identity someone has from the way they look, and it’s not always obvious from someone’s name. This means that it can be useful - and a really easy way of making trans, nonbinary and gender non conforming colleagues, residents and service users feel welcome and included - to routinely state what your personal pronouns are. Cisgender people sharing their pronouns can help normalise this, and mean that trans and nonbinary people are not singled out by being the only ones to share their pronouns.

Ways of doing this might be:

- Add your pronouns to your Google account at aboutme.google.com. N.b. If you are adding custom pronouns, you will need to use a backslash - i.e. she\they or they\he - rather than a forwardslash.
- Adding your pronouns to your email signature or letters
- Adding them to your Google, Slack or Linked-In profiles
- Sharing them at the start of meetings when you introduce yourself, along with your name & job title.

It is worth noting that not all transgender people are “out” at work, and for transgender people who are not out, it may be difficult or painful to have to use the wrong pronouns. In addition, some nonbinary people have no pronoun preference. Therefore asking people to state their pronouns should be optional rather than compulsory.

If you are adding your pronouns to your email signature, [you can link to this page](#) to explain why.

Alternative independent personal pronouns:

HE/SHE	HIM/HER	HIS/HER	HIS/HERS	HIMSELF/HERSELF
zie	zim	zir	zis	zieself
sie	sie	hir	hirs	hirsself
ey	em	eir	eirs	eirself
ve	ver	vis	vers	verself
tey	ter	tem	ters	terself

e	em	eir	eirs	emself
---	----	-----	------	--------

Further Reading:

[History & usage of gender neutral pronouns - Devin-Norelle, 2020](#)

[MyPronouns.org - a guide](#)

[Map of Gender Distinctions in Independent Personal Pronouns](#)

[What social workers should consider when working with LGBTQ+ people](#)

[Pronoun Badges: Supporting Gender Identity in the Workplace](#), Chapter Z, 2021

What is misgendering?

Misgendering is when someone refers to someone else as the gender they're not. This might be due to using the wrong [personal pronouns](#) or by describing them as the wrong gender; for example if you say "she" about someone who is nonbinary, saying "the woman over there" when referring to a man, or using "Sir" when addressing a trans woman.

Misgendering is considered to be a microaggression / microincivility by many people, both cis and trans.

Misgendering can happen by accident if you don't know the gender of the person you're speaking to, or if you make a mistake. Misgendering can also be used to harass or bully trans people. If someone is persistently and/or deliberately misgendering a college or service user, this may lead to disciplinary procedures.

Some people may hold a philosophical belief that sex is binary and that people cannot change sex or gender. While people who hold philosophical beliefs may be protected from discrimination under the protected characteristic of "Religion or Belief", this does not mean that they can use that belief to misgender a colleague or service users. For example a registrar who holds a philosophical belief that homosexuality is wrong is not entitled to make comments about their colleagues who are gay and cannot refuse to conduct a same sex marriage or civil ceremony under those grounds.

Further reading:

[Promoting equality for transgender staff and supporting transitioning at work, 2017.](#)

[What does it mean to misgender someone? Healthline, 2018](#)

[Pronoun etiquette, Robot Hugs Webcomic, 2014](#)

[MyPronouns.org - a guide](#)

[What social workers should consider when working with LGBTQ+ people](#), Community Care, 2022

Use of Sir/Madam

When using “Sir” or “Madam” based on someone’s voice, gender expression or appearance, you may be inadvertently misgendering someone. This issue also arises when written correspondence uses “Dear Sir/Madam”.

In written correspondence where the name of the recipient is unknown, it is recommended that letters are addressed “Dear Resident” or an appropriate substitute if the recipient is not a resident - e.g. “Dear Enquirer”, “Dear Business Owner”.

When greeting people verbally either face to face by telephone, it can be hard not to say “sir” or “madam” as many of us have been taught or trained that this is polite, however it is recommended that when greeting people whose names are unknown, you do not add “sir” or “madam” to your greeting. For example saying “Good morning, how may I help you” is sufficient, or if on the telephone and you know their name, using their name instead.

How do I ask someone what their pronouns are?

In an ideal world, this would feel as easy as asking someone’s name. If you think about it in the same way, it makes it much easier.

The simplest way is to introduce yourself with your name and pronouns and allow the other person to share with you if they wish, or you could use more direct phrases such as “My name is ____ and my pronouns are __ and _____. What are your pronouns?” or “I’m _____. I use __ and __ pronouns. If it’s all right to ask, what should I use for you?”.

Just as with people’s names, sometimes we’ve been using the wrong name for someone for a long time and they’ve not been able to correct us, or perhaps we’ve forgotten their name and are too embarrassed to admit it. The same is true for pronouns, and ultimately it’s about us becoming comfortable enough to ask, and to make it as safe and easy as possible for the person we’re talking to to tell us their name or their pronouns.

What should I do if I accidentally misgender someone?

If you misgender someone by accident, the best thing to do is to correct yourself immediately, with a brief apology, then move on. Misgendering happens - and we all do it sometimes. Making a quick apology and swift correction amends the error without putting the person who has been misgendered on the spot.

If it is continual, it can be upsetting for the person being misgendered, and start to feel deliberate, even if it isn't. You can mitigate this by taking measures to ensure gender pronoun use is more normalised in your team, for example by always saying your pronouns when you introduce yourselves at meetings. Zoom and Teams both allow you to add your pronouns to video meetings, and you can also add them to your Google profile and your LinkedIn if you have one. Hackney ICT are currently looking at a way to allow gender pronouns to be visible in Google Meet.

Further reading:

[What does it mean to misgender someone? Healthline, 2018](#)

[Pronoun etiquette, Robot Hugs Webcomic, 2014](#)

[MyPronouns.org - a guide](#)

[What social workers should consider when working with LGBTQ+ people](#), Community Care, 2022

What is “deadnaming”?

“Deadnaming” is a term that describes calling a trans person by the name they used pre-transition. While some trans people might not change their name, or might not mind a reference to their former name, many trans people find this difficult, and some may find it offensive or experience this as a microaggression. As with pronouns, the best thing to do is ask someone how they like to be called - just the same as you would if you weren't sure how to pronounce someone's name. Deliberately and/or repeatedly referring to a person by their former or an incorrect name is likely to be seen as disrespectful and could be considered workplace harassment.

Further reading:

[Definition of "deadname", Merriam-Webster Dictionary](#)

[What to know about Deadnaming](#), Veronica Zambon, Medical News Today, 2021

[What social workers should consider when working with LGBTQ+ people](#), Community Care, 2022

Talking about people's experience of transition

Not everyone will be comfortable talking about their experiences of being transgender or of transitioning, and the subject should be approached with sensitivity and cultural humility, just as you would approach discussing someone's experience of any aspect of their cultural background, e.g. race, disability or sexual orientation.

When talking about someone before their transition, it is considered respectful to use their current name and pronouns, and avoid referring to a trans person as their assigned gender at birth (AGAB) or by their former name (also known as a '[deadname](#)'). This will also ensure you are not revealing someone's trans status without their consent.

Further Reading:

["How to refer to trans people in the past"](#) Jackson Bird, YouTube, 2018

[Ted Talk: How to talk \(and listen to\) transgender people](#), Jackson Bird, YouTube, 2017

[What social workers should consider when working with LGBTQ+ people](#), Community Care, 2022

Writing about trans people

Language changes quickly, and sometimes words that we may be familiar with fall out of use - for example while "Transsexual" was in common use in the early 90s, "Transgender" is the usually preferred term today; although some people may still use the term "transsexual". When writing about an individual, the best thing to do is to use the words they use about themselves. When writing about groups, there are three common errors:

"Transgenders" - Transgender is an adjective, so this should be written as "transgender people", or "transgender woman, transgender adults" etc. People should not be referred to as "transgenders". Similarly, "trans" is also an adjective, so when talking about individuals, "trans man" and "trans woman" would be two words, not one.

"Identify as" - When writing that someone is trans, writing that they "identify as a woman" or "identify as a trans woman" can be perceived as a microaggression. A better way of writing this would be "she is a trans woman".

"Preferred pronouns" - the word "preferred" is unnecessary. When writing what a person's personal gendered pronouns are, writing "their pronouns are they/them" would be accurate. Using "preferred" suggests that using a person's correct pronouns are optional, however using people's accurate pronouns is simply respectful, in the same way using their correct name would be.

If you would like a document proof read to ensure it is respectful of trans and nonbinary people, you can request that [Proud Hackney](#) conduct a sensitivity reading.

Gender diversity & the law

What does the law say about transgender people?

There are two key pieces of law in the UK. One is the [Gender Recognition Act 2004](#), the other is the [Equality Act 2010](#). The Gender Recognition Act sets out how trans people can change their gender on their birth certificate, if they wish to do so. The Equality Act sets out the law as it pertains to protecting people from discrimination.

Gender Recognition Act 2004 (GRA)

The Gender Recognition Act 2004 (GRA) enables trans people to change their legally recorded sex/gender from female to male or male to female. It sets out the process by which a trans person can obtain a Gender Recognition Certificate (GRC) which can then be used to permanently alter their birth certificate. This allows a trans person to be married in the correct gender and have their correct gender be recorded on their death certificate.

Such a law is necessary as the United Nations Human Rights Committee considers a failure to allow change of sex on official documents a form of discrimination. While groundbreaking at the time, the GRA has been critiqued by trans people and legislators for being unnecessarily bureaucratic and time consuming, and reliant on medical diagnoses that are now out of date.

Given the lack of figures about the number of trans people in the UK, it is hard to say with certainty, but it is estimated that only a small proportion of trans people go through the process of obtaining a GRC.

The GRA only applies for people transitioning to the opposite binary gender (male & female) and does not make provisions for nonbinary genders or for those who are under the age of 18.

It was hoped that the UK Government's consultation in 2018 would lead to changes to the Act, but only minor changes were made to make the process less expensive and to enable people to apply online.

Hackney Council's official stance is of support for [Self Identification through a statutory declaration](#).

Further Reading:

[Good Law Projects Legal Guidance - Trans Children In Schools \(2022\)](#)

[Letter to Equalities Minister from Mayor Glanville & Cllr Williams, February 2021](#)

[History of the Gender Recognition Act, Gendered Intelligence](#)

[Reform of the GRA 2004 - The Law Gazette](#)

[Response to Government status on GRA - Stonewall](#)

Equality Act 2010 (EqA)

The Equality Act 2010 (EqA) drew together all the previously existing discrimination law to create a single piece of legislation. The Equality Act sets out to protect people in both workplaces and wider society from discrimination.

The act identifies nine protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. Under the EqA, it is illegal to discriminate against anyone because they have one or more of the protected characteristics. It is also illegal to discriminate against someone for associating with people with protected characteristics, or because you believe them to have one of these characteristics.

While the act makes no reference to people with a nonbinary gender, an employment tribunal held in September 2020 known as "[Taylor vs Jaguar Land Rover Ltd](#)" established that nonbinary and genderfluid people are protected under the characteristic of "[Gender Reassignment](#)".

Public Sector Equality Duty

The EqA also sets out the Public Sector Equality Duty, the three aims of which are:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Codes of Practice

The Equality Act Codes of Practice are published by the Equality & Human Rights Commission and consist of expanded guidance and detailed descriptions and examples of the act in practice. These Codes of Practice are statutory, and thus must be followed by the local authority along with the Public Sector Equality Duty.

Further Reading:

[Citizen Advice: Guide to direct discrimination](#)

[Public Sector Equality Duty - Equality & Human Rights Commission](#)

[Codes of Practice - Equality & Human Rights Commission](#)

[United Nations report on Gender inclusion, 2021](#)

Is Gender Identity a protected characteristic under the Equality Act 2010?

The term used in the Equality Act 2021 is “Gender Reassignment” (Part 3, Section 7). The definition of Gender Reassignment is broad, so while the specific term “Gender Identity” is not used, it is generally understood that it is covered by Gender Reassignment.

Gender Reassignment covers people who are:

- proposing to undergo,
- are undergoing or
- have undergone a process
- (or part of a process)

to reassign their sex by changing physiological or other attributes of sex have the protected characteristic of gender reassignment.

This can vary from person to person, and may include things like changing their name, their pronoun or how they express themselves. To have the protected characteristic of “Gender reassignment” one doesn’t need to have undergone any surgical or medical procedure or have been through the process of obtaining a Gender Recognition Certificate under the [Gender Recognition Act 2004](#).

It is worth noting that the protections of the Equality Act 2010 don’t just apply to people who have the protected characteristic, but also those who are perceived to have it, i.e. “discrimination by perception” which is when someone is discriminated against because they are perceived to have a protected characteristic.

Further Reading:

[Equality Act 2010 Guidance - UK Government](#)

[Citizens Advice: Guide to direct discrimination](#)

What is “Self ID”?

“Self ID” or “Self Identification” generally means how we identify ourselves as having a particular characteristic or identity. For example, we might self identify as straight or gay, or as disabled. In terms of protection from discrimination under the [Equality Act](#) under the protected characteristics categories of disability, gender reassignment, race, religion or belief, and sexual orientation, there is no formal legal process to undergo in order to be recognised as having the protected characteristic beyond one’s own identification of having - or being perceived as having - that characteristic.

In terms of [gender identity/gender reassignment](#), “self ID” is sometimes used as a synonym for a Statutory Declaration of gender. In a number of countries, trans people can change their legally recorded sex via a Statutory Declaration, which is a formal legal process in which the individual declares something to be true in law, sometimes also known in British law as a “sworn oath”. Making Statutory Declaration or sworn oath that you know to be false is a criminal offence, potentially resulting in a fine or even a prison sentence.

Hackney Council's formal stance is in support of the [Gender Recognition Act](#) to be reformed to allow trans people to make a Statutory Declaration of their gender.

Countries with self-identification based processes for changing legal gender include the following. In brackets is the year in which the process became law: Ireland (2015), Malta (2015), Norway (2016), Argentina (2012), Portugal (2018), Belgium (2017), Spain (2021). Scotland voted to update their Gender Recognition Act to allow Statutory Declaration in December 2022.

Further Reading:

[What is a statutory declaration and how can they be used? - Boys & Maughan solicitors](#)

[Self Declaration - Equal Recognition Scotland](#)

[Letter to Equalities Minister from Mayor Glanville & Cllr Williams, February 2021](#)

Gender diversity in Hackney

What are Hackney's policies on gender diversity?

Policies & Guidance

Hackney's implemented a [policy](#) on [promoting equality for transgender staff and supporting transitioning at work](#) in 2017.

As part of the LGBTQIA+ Action Plan, existing policies and guidance will be reviewed to ensure they are inclusive of gender diverse people, and sensitivity readings will be recommended as standard for all new policies and guidance.

[Hackney's workplace guidance for Menopause & Menstruation](#) explicitly includes all who menstruate, and new policies and guidance will undergo a sensitivity read by members of [Proud Hackney](#).

Single Equalities Scheme

As part of [Hackney's Single Equalities Scheme 2018-2022](#) a commitment was made to create an LGBTQIA+ Action Plan, part of which would include a review on Trans, nonbinary, Intersex & Gender non-conforming inclusion within the borough. The first stage of the review was completed in early 2020, however subsequent work was delayed due to the global pandemic.

This work is being led by Strategic Delivery Officer [Emmie Bathurst](#), please contact them for further information.

Further Reading:

[Transgender staff in Hackney - Leave & Absence polices](#)

[Report on Trans Inclusion, 2020](#)

[LGBTQIA+ Strategic Framework Update - November 2022](#)

Single Sex Spaces

In focus groups, LGBTQIA+ residents have told us they prefer “gender inclusive” over the term “gender neutral” when discussing shared space facilities or services. Gender Inclusive spaces are those that can be used by anyone of any gender.

Where there is a need to do so, single sex spaces can be provided for under the Equality Act where necessary. Hackney’s policy on Single Sex Spaces is as set out in the [Equality Act 2010](#) statutory Code of Practice for Services, public functions and associations.

The relevant section is in [Chapter 13](#) of the Code of Practice:

“If a service provider provides single- or separate sex services for women and men, or provides services differently to women and men, they should treat transsexual people according to the gender role in which they present. However, the Act does permit the service provider to provide a different service or exclude a person from the service who is proposing to undergo, is undergoing or who has undergone gender reassignment. This will only be lawful where the exclusion is a proportionate means of achieving a legitimate aim.”*

The code also provides examples of when it would be lawful to exclude trans people from services that align with their gender identity, and that this would be on a case by case basis.

There was an application in 2020 for Judicial Review to challenge this guidance, known as [Authentic Equality Alliance vs Commission for Equality and Human Rights](#), with the applicant claiming that rather than inclusion as practice with exclusion on a case by case basis, the law should be read as exclusion as practice with inclusion on a case by case basis. This was not granted permission to proceed to Judicial Review so the Code of Practice is correct as stated.

* The act uses the term “transsexual” rather than “transgender” although as described in the [Inclusive Language guide](#) these are synonyms, with “transgender” currently being the preferred term for most trans people.

Further Reading:

[Code of Practice on Services, Public Functions and Associations](#)

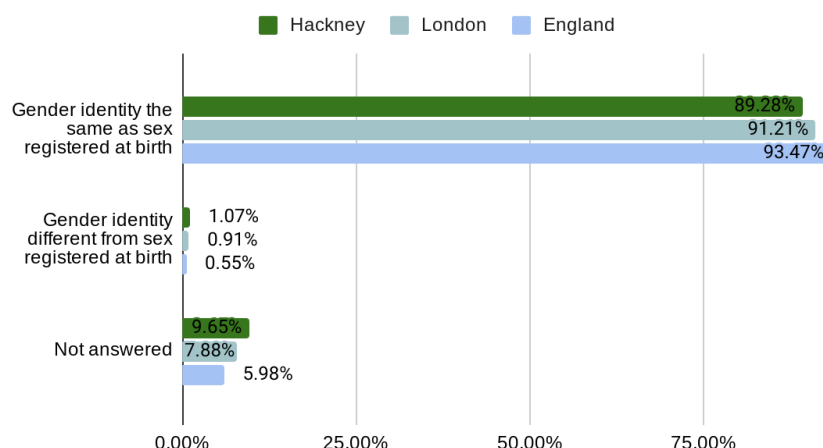
How many trans people are there in Hackney?

Questions on Sexual Orientation and Gender Identity were asked for the first time in the 2021 Census, allowing the first opportunity to understand the number of LGBTQIA+ people in the UK.

The data suggested that there are 2241 trans people in Hackney - just over 1% of the population. This is a relatively high number compared to the rest of London and England. In particular Hackney had a high proportion of people who identified as nonbinary or a gender identity other than male or female, as well as being home to a large number of bisexual, pansexual and queer residents.

Gender Identity, Hackney, London & England

ONS Census 2021



Of those 2241 people, 670 are nonbinary or another gender identity other than male or female. It is likely that the 921 people who didn't write in a gender identity are the same gender as the one they wrote in response to the "sex" question. When we have multivariate data (more than one datapoint) we will have a clearer picture of how many trans men and trans women there are in Hackney.

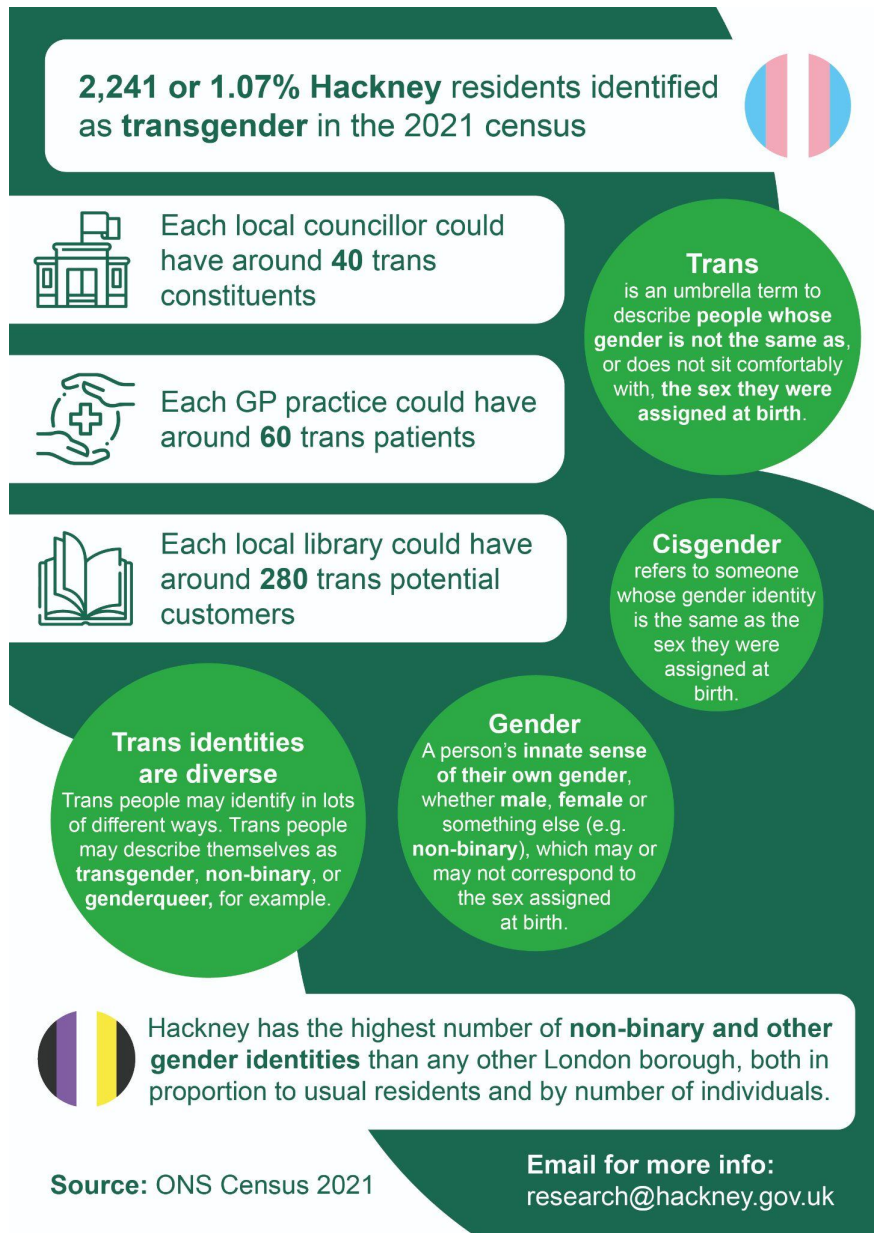
	Hackney	
	number	%
<i>All those with a gender identity different from sex registered at birth</i>	2,241	100%
Gender identity different from sex registered at birth but no specific identity given	921	41.1%
Trans woman	357	15.9%
Trans man	293	13.1%
Any other gender identity	670	29.9%

More information is available in [Hackney's Sexual Orientation and Gender Identity Census Briefing](#)

As part of the [LGBTQIA+ Action Plan](#) which is currently under development, it is hoped that services within Hackney will start to collect more information about gender diversity and sexual orientation so we can better understand the specific needs of the community.

Trans people in Hackney: Infographic

[You can download this infographic here](#)



What are the main needs and concerns identified by Gender Diverse people in Hackney?

Nationally, the picture is worrying. In the UK Homophobic & Transphobic hate crime has been increasing year on year at a rapid pace since 2016, with some news sources suggesting the rates have tripled for Homophobic and quadrupled for Transphobic hate crimes. While some of these figures may indicate greater confidence in reporting to the police & better recording of hate crimes

against those with the protected characteristic of [gender reassignment](#) or sexual orientation, this is unlikely to account for such a steep rise; [Galop's 2021 report](#) revealed that while 3 in 5 LGBTQIA+ people who experience a hate crime want or need help, only 1 in 5 is able to access it

Internationally, while some countries have taken steps forward in terms of providing better healthcare and more protections for trans people and the wider LGBTQIA+ community, some countries in both Europe and beyond have introduced laws which restrict the rights and freedoms of LGBTQIA+ people.

This broader picture of an increasingly hostile environment for Trans, nonbinary and gender diverse people as well as the LGBTQIA+ community as a whole is important context for considering local need, as witnessing and/or experiencing this level of hostility can have a significant impact on people's mental health and can reduce people's participation in community life, in focus groups and in using social spaces such as parks or gyms. The latter then has an impact on people's physical health and wellbeing. There may also be a lack of trust in public services or local government if gender diverse people have had poor experiences accessing services.

Locally, focus groups have been held with gender diverse people as part of both the consultation on the [Single Equalities Scheme](#) in 2017 and the [Review of Trans Inclusion](#) in 2019. The key themes and recommendations were very broad, covering all aspects of service provision including Education, Healthcare, Public Safety, sport and exercise as well as seeking more support politically as part of a wider equalities programme. Intersex voices are often particularly absent in diversity & inclusion work so attention will be paid to ensure this community is heard within this strategy.

The new [LGBTQIA+ strategy](#) will pull all of these concerns together and collaborate with local residents and organisations to create an Action Plan and framework to address the issues.

Further Reading:

[United Nations report on Gender inclusion, 2021](#)

[The struggle of trans and gender-diverse persons, United Nations](#)

['Don't Punish Me For Who I Am': Huge Jump in Anti-LGBTQ Hate Crime Reports in UK - Vice, 2021](#)

[Transphobic hate crime reports have quadrupled over the past five years in the UK, BBC, 2020](#)

[Hate crime report 2021, Galop](#)

[Transphobic Hate Crime report 2020, Galop](#)

[Report on Trans Inclusion, 2020](#)

[Trans, nonbinary, Intersex & Gender Diverse Strategy slide presentation, 2021](#)

Proud Hackney - the LGBTQIA+ Staff Network

Hackney's LGBTQIA+ staff network is open to anyone who identifies under the LGBTQIA+ umbrella, including gender diverse people. There is a Slack for LGBTQIA+ staff to meet, chat and share, and there is a Google community which is open to Allies.

[Find out more about the staff network at their Google Site](#)