

Analysis of the open letter to the Equality and Human Rights Commission from the Survivors' Network

The screenshot shows the website for the Survivors' Network. At the top left is the logo, a purple leaf with the text 'Survivors' Network' below it. At the top right, there is a phone number 'CALL US: 01273 203380', a teal 'DONATE' button, and a search icon. Below the logo is a navigation menu with links: 'Get help', 'Get involved', 'Resources', 'Training & Consultancy', and 'About us'. The main content area has a breadcrumb trail: 'Home | Our Letter to the Equalities and Human Rights Commission'. Below that is a news section with a purple asterisk icon, the text '* News | 13 April 2022', and a large purple headline: 'Our Letter to the Equalities and Human Rights Commission'. Under the headline is the date '13th April 2022'. At the bottom of the news section is a purple text block: 'We were dismayed to see [the recent guidance from the Equalities and Human Rights Commission for separate and single sex service providers.](#)'

April 2022

Sex Matters is a human rights organisation campaigning
for clarity about sex in law, policy and language

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On 4th April 2022 the Equality and Human Rights Commission (EHRC) issued new guidance on the law on single-sex and separate-sex services.¹ This has been widely welcomed by leaders of women's organisations in discussions that Sex Matters has been having, although the atmosphere in which the discussion of single-sex services has been conducted has made many people unwilling to speak publicly on the issue.

On 13th April 2022 Survivors' Network (supporting survivors of sexual violence and abuse in Sussex) published an open letter criticising this new guidance.² This briefing considers its contents.

Do the signatories reflect a high proportion of the women's sector?

No. This is a narrow group.

An analysis of the 73 signatories (see appendix) shows that of the 60 who are staff, trustees or volunteers in specialist male violence against women (MVAW) organisations, almost two-thirds (62%) are from just two organisations (Survivors' Network in Brighton and Tyneside and Northumberland Rape Crisis).

Overall the signatories are from just eight of the 39 members of **Rape Crisis England and Wales** and most are in operational positions such as co-ordinator, counsellor or office manager.

Five CEOs or Directors, and trustees of four organisations, have signed. That is the same number of women's sector CEOs who signed a recent open letter co-ordinated by Sex Matters calling for the EHRC to update the Statutory Codes of Practice.³ Most CEOs and chairs of women's sector organisations have remained silent in public on the issue.

Do the signatories represent expertise on the Equality Act?

No. No equality law academics or lawyers signed.

Of the nine academic signatories, four work in sociology and two in criminal law.

¹ <https://www.equalityhumanrights.com/en/advice-and-guidance/separate-and-single-sex-service-providers-guide-equality-act-sex-and-gender>

² Survivors Network (2022). *Our Letter to the Equalities and Human Rights Commission*

³ <https://sex-matters.org/posts/single-sex-services/human-rights-campaigners-call-for-new-statutory-guidance-on-single-sex-services/>

The authors' criticism of the EHRC's guidance is not based on any legal reading of the Equality Act; it appears to be entirely ideological. In particular, it argues that:

"To suggest that the value in women-only spaces lies solely or primarily in the exclusion of men significantly undervalues the inception, the purpose and the continuation of women-only spaces. Trans women are welcome in these spaces, they add amazing value to these spaces and we need them in these spaces."

This viewpoint conflicts both with the law and with material reality. The position in law is that a single-sex service is one that is provided "only to one sex" (that is, only to male people or only to female people). Thus a service that includes women and "trans women" (who are male) is not a single-sex service, but a mixed-sex service. It is not clear that a service can lawfully include some males (for example on the basis of having a sufficiently "feminine" presentation) while excluding others. Moreover, service providers should not claim, either to funders or to users, to be providing a single-sex or women-only service if they are actually providing a mixed-sex service.

Notably, the letter skirts these issues by avoiding the words "male" and "female" – it uses "female" only once, in reference to women as perpetrators of sexual abuse. It also avoids the word "sex", choosing instead terms such as "identities" and "gender" that elide different characteristics protected under the Equality Act.

The authors go so far as to berate the EHRC for fulfilling its legislative mandate of providing legal guidance. They say "Please trust us!" and tell the regulator that it should not tell "service delivery experts (us!) about what is likely to be proportionate in the services that we are running!"

This dismissive approach to legal concepts and advice is foolhardy. As service providers, they will be liable for any instances of unlawful discrimination and harassment, and they cannot ignore the protected characteristics or the legislation that relates to single-sex and mixed-sex services.

Are the claims in the letter about user attitudes reliable?

No. They are based on a tiny sample and flawed methodology.

The letter says:

"Recent research has found that: 'Most cis service users said they were happy for trans women to use their service, and also that they would welcome trans women joining their women-only groups.'"

This is based on a single research study written by Professor Rachel Pain (one of the letter's signatories). The study "explores the perceptions and experiences of staff and cis woman service users across six North East abuse support services."⁴ The research included only 23 female service users; the majority of the research subjects are staff and trustees who participated in focus groups. It is likely that there is significant overlap between the research subjects and signatories of the letter (23 of whom are employed by, or act as trustees of, services in the north east of England). Quotes from staff in the research study include:

"We make it really clear to all women when they access [the service] that there is the potential for trans women to be in that group and that that's just how it is."

"If there was any issues about a trans person being here from another resident, that resident would have to be dealt with under our policies."

The study also suffers from severe methodological weaknesses:

- using a focus group methodology, which can deter participants from voicing their opinion freely (for example, if certain opinions are presented as unsophisticated or prejudicial) and can guide them to preferred ("inclusive") answers
- failing to explain how participants were selected (and thus how bias towards service providers' preferred view was avoided)
- including only women who agreed to be described as "cis"
- including very few service users
- failing to include women who have self-excluded because services included males who identified as women
- failing to include any specialist services for black and minority ethnic survivors.

Other studies have found that many survivors of domestic and sexual abuse prefer female-only services. For example:

- Data was collected by Aurora New Dawn from just under 700 service users (male and female), all of whom said that women-only spaces and staff are vital.⁵
- A study by the University of Suffolk showed that survivors of childhood sexual abuse rated the services provided by women-run organisations highest.⁶

⁴ Rachel Pain, Siobhan O'Neil. *"One of the Lasses": Trans inclusion and safety in abuse support services*

⁵ Aurora New Dawn (2022). *By and for women*

⁶ Smith, N. et al (2015). *Hear Me, Believe Me, Respect Me*. University Campus Suffolk

- In research by the Women’s National Commission on women-only services, 99% of respondents said it was important for female survivors to have the choice to access a women-only support service.⁷
- In first-person testimony collected by a group called Female-Only, Violence and Abuse Survivors (FOVAS), many survivors explain why they do not want males in “women-only” spaces.⁸

Published research into the views of women from ethnic minorities and religious backgrounds is lacking. But anecdotal evidence suggests that including males who identify as women in women’s services will make those services inaccessible to many such women.

Does the letter reflect the views of the women’s sector as a whole?

No. Most women’s organisations understand that single-sex services cannot accommodate both sexes.

The letter states: “Most abuse support services in the UK have welcomed and supported trans women who are survivors of domestic and sexual violence for years. This is the case for both women only and mixed gender services.” This is not consistent with statements from umbrella organisations. Two of these – Women’s Aid and the Women’s Resource Centre – have recently released statements on single-sex services, based on research and consultation with their members.

- **Women’s Aid** says:

“We know from our members that many women and children who have been subject to male violence and abuse need access to support and accommodation which is provided in single sex spaces as this reduces their distress and trauma. We therefore support the principle of providing single sex domestic abuse services which is lawful under the Equality Act.”⁹
- The **Women’s Aid Federation** found that:

“Most member organisations deliver at least some women only (single sex) services, most commonly through refuge accommodation and groups. They do this because survivors have told them that they and their children experience trauma responses when in contact with males.”

⁷ Women’s National Commission (2010). *Women-only Services*

⁸ <https://fovas.wordpress.com/survivors-blog-pieces/>

⁹ Women’s Aid (2022). *Single sex services statement*

- Research by the **Women's Resource Centre** found that most of its members wanted to retain a clear women's-only space, with the ability to exclude transwomen, in order to meet the legitimate aim of providing a female-only service.¹⁰ It says that some WRC members are "trans-responsive", meaning that they provide services to trans-identifying men separately from other clients, or signpost them to more appropriate specialist services.¹¹
- **Shonagh Dillon of Aurora New Dawn** conducted interviews with 31 professionals in the sector, from all sides of the debate. Of her respondents, 87% felt it important to provide and retain female-only spaces, and 93% felt that transgender victims should be provided with their own specialist spaces to support their needs.
- A few **individual women's-sector leaders** have spoken out about the need for female-only services, notably Karen Ingala Smith of Nia.¹²

Implications

Organisations with staff or trustees who are signing letters dismissing advice from the EHRC should recognise this as a risk, and review their policies and training. The boards of trustees of women's sector organisations must ensure that their policies are aligned to the Equality Act 2010, and that their staff understand and accept this.

The EHRC should engage with the women's sector to ensure that its leaders understand their legal responsibilities and that they develop material that leaves no doubt as to the meaning of basic concepts such as "sex", "single sex", "opposite sex" and "mixed sex".

Rape Crisis England and Wales should develop a policy statement that is in line with the Equality Act 2010, in order to support its members.

About this briefing

This briefing by Sex Matters builds on commentary and analysis from [Dr Shonagh Dillon of Aurora New Dawn](#) and [Violet Greenthwaite](#) as well as conversations with others in the women's sector. Comments can be sent to info@sex-matters.org.

¹⁰ Women's Resource Centre (2019). *Are the Equality Act 2010 and CEDAW working for the women's voluntary & community sector in England?*

¹¹ WRC (2022). *WRC Statement on women-only services and sex-based rights*

¹² <https://kareningalasmith.com/2020/07/08/trauma-informed-services-for-women-subjected-to-mens-violence-must-be-single-sex-services/>

Appendix: analysis of signatories

Male violence against women organisation	Trustees	Senior leader	Staff members	Volunteers	Total
Survivors' Network Brighton	Chair and one trustee	CEO	13		16
Tyneside and Northumberland Rape Crisis	1	CEO	9	10	21
Support After Rape and Sexual Violence Leeds	1	CEO	4		6
Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service	5				5
Oxfordshire Sexual Abuse and Rape Crisis Centre			4		4
Rape and Sexual Abuse Counselling Centre Darlington and County Durham			3		3
Rape Crisis Grampian			2		2
Sheffield Rape and Abuse Centre		CEO			1
Cambridge Rape Crisis		Director			1
Other (unnamed)			2		2
Total	9	5	37	10	61

Academics

1. Professor Rachel Pain, Newcastle University (Geography)
2. Professor Alison Phipps, Newcastle University (Sociology)
3. Dr Tanya Palmer, University of Sussex (Criminal law)
4. Ilaria Michelis, University of Cambridge and independent gender-based violence expert (Sociology, PhD Student)
5. Professor Catherine Donovan, Durham University (Sociology)
6. Professor Sharon Cowan, University of Edinburgh (Criminal law, Feminist and Queer Legal Studies)
7. Dr Arianne Shahvisi, Brighton and Sussex Medical School (Philosophy and Ethics)
8. Dr Tanya Serisier, Birkbeck College, University of London (Feminist, Queer and Narrative Theory)
9. Dr PJ Annand, University of Surrey and King's College London (Sociology)

CEOs

1. Jay Breslaw, CEO, Survivors' Network
2. Katie Russell, CEO, Support After Rape and Sexual Violence Leeds
3. Sue Pearce, CEO, Rape Crisis Tyneside and Northumberland
4. Norah Al-Ani, Director, Cambridge Rape Crisis Centre
5. Meera Kulkarni, Chief Executive Officer, Sheffield Rape and Sexual Abuse Centre

Trustees

1. Sophie Gibson, Chair of Trustees, Survivors' Network
2. Charlotte Mist, Trustee, Survivors' Network
3. Rosalind Weaver, Trustee, Support After Rape and Sexual Violence Leeds
4. Lisa Ward, Freelance VAWG and Lived Experience Consultant / Trustee, Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service
5. Helen Cavill, Trustee, Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service
6. Marteene Pringle, Trustee, Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service

7. Amy Jenner, Trustee, Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service
8. Korrine Leney, Trustee, Aylesbury Vale and Milton Keynes Sexual Assault and Abuse Support Service

Staff members

1. Katie Cotterell Snow, Volunteer Service Manager, Survivors' Network
2. Jo Arbenz, Young Person's Outreach Worker, Survivors' Network
3. Kate Winter, Head of Business Development, Survivors' Network
4. Julia Gray, Senior Independent Sexual Violence Advisor, Survivors' Network
5. Kitty Gardner, Training Officer, Survivors' Network
6. Helen Race, ISVA Coordinator, Survivors' Network
7. Persia Honar, Welcome Worker, Survivors' Network
8. Zillah Holford, Independent Sexual Violence Advisor, Survivors' Network
9. Jessie Grant, Independent Sexual Violence Advisor, Survivors' Network
10. Eleanor de Giberne Sieveking, Welcome Worker, Survivors' Network
11. Harriet Marchant, Senior Independent Sexual Violence Advisor, Survivors' Network
12. Hannah Cashman, Independent Sexual Violence Advisor, Survivors' Network
13. Katherine White, Survivors' Network
14. Vicki Peck, Independent Sexual Violence Advisor, Survivors' Network
15. Dawn Bowman, Volunteer Coordinator, Rape Crisis Tyneside and Northumberland
16. Laura Caithness, Young Women's Specialist ISVA, Rape Crisis Tyneside and Northumberland
17. Jacqueline Hall, Practical and Emotional Support Coordinator, Rape Crisis Tyneside and Northumberland
18. Ami Nisa, Volunteer, Rape Crisis Tyneside and Northumberland
19. Rachel Carney, ISVA, Rape Crisis Tyneside and Northumberland
20. Jess Lunn, Office Administrator, Rape Crisis Tyneside and Northumberland
21. Penny Edwards Group Worker, Rape Crisis Tyneside and Northumberland
22. Grace Fry, Counsellor, Rape Crisis Tyneside and Northumberland

23. Mia Stamp, Volunteer, Rape Crisis Tyneside and Northumberland
24. Georgia Hutton, Counsellor, Rape Crisis Tyneside and Northumberland
25. Debbie Mather Counsellor Rape Crisis Tyneside and Northumberland
26. Jemma-Leigh Lyon, Group Coordinator Rape and Sexual Abuse Counselling Centre, Darlington and County Durham
27. Kate Larkin, Volunteer Manager, Rape and Sexual Abuse Counselling Centre, Darlington and County Durham
28. Jamie Allinson, ISVA Manager Rape and Sexual Abuse Counselling Centre , Darlington and County Durham
29. Esther Hernandez, Office Coordinator and Helpline Volunteer at Support After Rape and Sexual Violence Leeds
30. Helena Goode, ISVA, Support After Rape and Sexual Violence Leeds
31. Rebecca Dickinson, Counsellor, Support After Rape and Sexual Violence Leeds
32. Jessica Wilkie, YP ISVA, Support After Rape and Sexual Violence Leeds
33. Sophie Knowles, Children’s Independent Sexual Violence Advisor, Oxfordshire Sexual Abuse and Rape Crisis Centre
34. Yasmeen Arif, Drop-in Group Facilitator, Oxfordshire Sexual Abuse and Rape Crisis Centre
35. Florence Bradley, Independent Sexual Violence Advisor, Oxfordshire Sexual Abuse and Rape Crisis Centre
36. Claire Thomas, Counselling and Groups Coordinator, Oxfordshire Sexual Abuse and Rape Crisis Centre
37. Johanna Kauppi, Advocacy Worker, Rape Crisis Grampian, and Co-Chair, Not On My Campus UK
38. Reegan Bonar, Sexual Violence Prevention and Advocacy Worker, Rape Crisis Grampian
39. Laura Todd, Domestic Abuse Support Worker (Leading DA Organisation)
40. Leah Stone, Domestic Abuse Support Worker

Volunteers

1. Sarah Carrie, Helpline Volunteer, Rape Crisis Tyneside Northumberland
2. Alessandra Mondin, Volunteer, Rape Crisis Tyneside and Northumberland
3. Georgia Ramm, Volunteer, Rape Crisis Tyneside and Northumberland

4. Lindsay Bewick, Volunteer, Rape Crisis Tyneside and Northumberland
5. Liz Clarkin, Volunteer, Rape Crisis Tyneside and Northumberland
6. Lauren Boak, Volunteer, Rape Crisis Tyneside and Northumberland
7. Mel Chillag, Helpline Volunteer, Rape Crisis Tyneside and Northumberland
8. Deborah Hall, Volunteer, Rape Crisis Tyneside and Northumberland

Campaigners

1. Gabriela de Oliveira, Head of Policy, Research and Campaigns, Glitch
2. Leila Billing, Co-founder, We Are Feminist Leaders
3. Natalie Brook, Co-founder, We Are Feminist Leaders

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Company number: 12974690

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Published 27th April 2022; republished 12th May with corrections to table on page 7