

24th June 2024

The Labour party says in its manifesto that it will:

“modernise, simplify, and reform the intrusive and outdated gender recognition law to a new process. We will remove indignities for trans people who deserve recognition and acceptance; whilst retaining the need for a diagnosis of gender dysphoria from a specialist doctor, enabling access to the healthcare pathway.”

However this policy, as with the Scottish Government’s ill-thought through and ultimately unsuccessful gender self-ID policy, is not based on a clear understanding of the current process, let alone how changing it would impact on women’s rights. Anneliese Dodds, Shadow Secretary of State for Women and Equalities, has described the existing process as “**intrusive, outdated and humiliating**”, saying that it “requires a panel of anonymous doctors to decide something of momentous significance, based on reams of intrusive medical paperwork and evidence of any surgery.” She pledged to “remove invasive bureaucracy and simplify the process”.¹

The case that the process is not working is not supported by evidence.

- ✗ **Too complex?** The Gender Recognition Panel process is remarkably efficient, requiring two short doctor’s reports and a handful of bank statements, payslips and utility bills. The success rate of applications for a gender-recognition certificate (GRC) is consistently 80-90%.
- ✗ **Intrusive?** There is no evidence that the current process is deterring people from applying for GRCs. Applications have soared since 2019, from around 30 a month to over 100.
- ✗ **Humiliating?** Evidence from Gender Recognition Panel User Group meetings where trans advocacy organisations and clinicians speak freely with panel members and administrators did not describe the process as demeaning, intrusive or distressing.²
- ✗ **Outdated?** 20 years ago, when the Gender Recognition Act (GRA) was passed, it was estimated that 5,000 people identifying as transsexuals lived in the UK. Since then 8,464 certificates have been issued, over a third of those in the past four years. In 2022 the process moved online and the cost was reduced to £5. A system of “conditional refusals” was also set up to make it easier to reapply after being refused.

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<https://www.theguardian.com/commentisfree/2023/jul/24/labour-will-lead-on-reform-of-transgender-rights-and-we-wont-take-lectures-from-the-divisive-tories>

² Forstater, M (2020) [LONG, SLOW, DEMEANING, INTRUSIVE AND DISTRESSING or SWIFT, PROFESSIONAL AND RESPECTFUL? EVIDENCE FROM THE GENDER REASSIGNMENT PANEL IN PRACTICE](#)

What is the current process?

The Standard Application track for a GRC requires applicants to demonstrate, in line with the Gender Recognition Act, that:

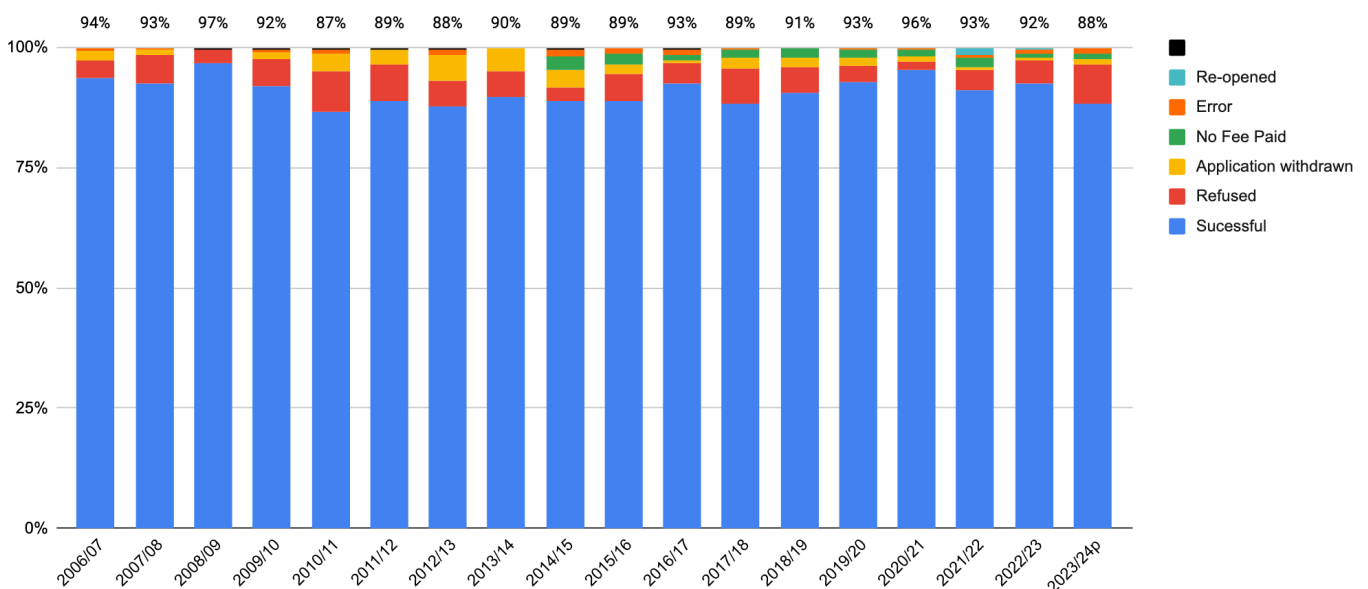
- They have, or have had, gender dysphoria
- They have lived fully for the last two years in their acquired gender and continue to do so
- They intend to live permanently in their acquired gender until death.

The documentary requirements to apply are:

- A signed statutory declaration
- A copy of the applicant's birth certificate
- If the person has changed their name, documents that show this such as a deed poll or statutory declaration
- Proof of living in the acquired gender for at least two years
- Two medical reports
- For those who have been married, copies of marriage certificate, decree absolute or spouse's death certificate as relevant.³

The success rate is high, at 87-97% of applications.

Panel outcomes and success rates⁴



³ <https://www.gov.uk/apply-gender-recognition-certificate>

⁴ <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2024/tribunal-statistics-quarterly-january-to-march-2024#gender-recognition-certificates>

What is in the doctor's reports?

A written report from a medical doctor or clinical psychologist who practises in the field of gender dysphoria is required to confirm that the person has a diagnosis of gender dysphoria. This must be supported by the clinical history upon which the diagnosis is based, including:

- who made the diagnosis
- when the diagnosis was made
- what evidence was used to make the diagnosis.

A second report can be written by any medical doctor or clinical psychologist, including a GP, a surgeon or an endocrinologist. There's no required content for this second report, and it can include the same information as the first report. At least one of the two reports needs to include details of any body modification treatment the person has had or plans to have, including:

- surgical treatments
- non-surgical treatments, such as hormone therapy.

If the person has had not treatment and does not plan to have any, the report should say why.⁵ Reports do not need to be specially written for the application, as long as they meet all the requirements.

Those involved in the panel have explained:⁶

“The Gender Recognition Act (GRA) requires that if surgery has taken place then details of that surgery must be provided. However, this may not mean the applicant has to produce a new medical report as they may have something suitable in their medical records from their surgeon. GDPR means that applicants should now find it easier to obtain copies of their medical reports from their GP.” (User Group Meeting – Leicester, 2018)

What evidence is needed of living in the acquired gender?

Evidence of living in the acquired gender means letters or identity documents that bear a name, a title like Mr or Miss, or a record like “male” or “female”, as was discussed with the User Group.⁷

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1060171/gender-recognition-certificate-medical-reports-template.pdf

⁶ [Minutes of Gender Recognition Panel User Group](#)

⁷ [Minutes of Gender Recognition Panel User Group](#)

“The GRA is clear that an applicant must show they have been living in their gender for two years.... The applicant does not need to send a large number of documents to show this; 2-3 items per year should suffice.” (User Group Meeting – Leicester, 2018)

“Applicants will need to show some evidence that they have been living in their gender for the two years required by the Act. Letters from an employer, a manager, a doctor, school/college could be suitable to show that even though an applicant had not officially changed their name they were living in their gender.... Letters could also come from an applicant’s job, DWP, HMRC, changed passport, changed driving licence. Utility bills are also acceptable..... the panel recognise that one size does not fit all and some applicants are not able to provide as much evidence. Each application is considered on its own merits.” (User Group Meeting – Leicester, 2018)

Applicants are currently encouraged to send around eight documents spanning the previous two years. These could include:

- driving licence
- passport
- workplace IDs
- student IDs, railcards
- library card
- supermarket loyalty card
- letters from solicitors, accountants, doctors, dentists or employers
- bank statements
- payslips, P60s and P45s
- benefit letters
- tax letters and documents, including council tax
- credit reports
- confirmation of being on the electoral register
- student loan statements
- utility bills, such as internet bills
- rental agreements
- academic certificates

How much does it cost?

In 2021 the standard fee was reduced from £140 to £5. Fair Play For Women estimates that overall costs are likely to be between £100 and £420 (following the fee cut), taking into account all documentation expenses and depending on whether the applicant is diagnosed by an NHS specialist. For comparison, the cost of application to become a British citizen is £1,300.⁸

What does the panel involve?

The application is decided on the basis of the paperwork by a two-person panel made up of a medical and judicial member. A panel typically discusses 14 applications in each sitting. It will hold an oral hearing with an applicant only if it feels this is required before a decision is made. Oral hearings are rare.

The panel tends to take a supportive approach. If during the application process it finds that applicants have submitted insufficient evidence (such as failing to fill in the form correctly, or failing

⁸ <https://fairplayforwomen.com/grcprocess/>

to send marriage or divorce documentation) or contradictory evidence, the tribunal does not turn them down immediately. Instead it issues directions to enable applicants to supply the additional documentation. In the period to 2019, the GRP Panel User Group noted that around 30% of applications receive directions and the majority of these go on to succeed after amending their documentation. Applications that are time-critical, for example because of weddings or terminal illness, can be expedited.

In 2019 Paula Gray, President of the Gender Recognition Panel until last year, explained the approach:

“We rarely refuse applications, and when we do it’s generally due to a consistent lack of cooperation, the applicant having been given a number of opportunities to provide the necessary documentary evidence. I probably deal with about 200 cases a year - although some are previously adjourned applications and over some 14 years I think I have refused three.”⁹

In several User Group meetings it is discussed that almost no applications are refused outright by the panel when first presented.¹⁰

“It was stressed that applicants are given every opportunity to comply with the requirements, even the opportunity to withdraw and apply under a different route before any applications are refused.” (London, 2006).

“The Panel only turn down a small number of applications. The aim of the Panel is to assist applicants to be granted a Gender Recognition Certificate (GRC) wherever possible and use the power to give directions to promote this aim.” (London, 2008)

“The Panel seeks to enable applicants to achieve their goal of acquiring a Gender Recognition Certificate. It does not seek to reject applications and will adjourn to give the applicant an opportunity to provide the required evidence.” (Edinburgh, 2011)

Applications are promised a response within 22 weeks, and in the period up to 2019 (for which we have data) 75% of applicants received a decision within 20 weeks, and many within 6-11 weeks. The vast majority are successful, and people are unsuccessful can reapply.

Since 2022 the panel has been issuing “conditional refusals” to make reapplication even easier, as applicants can send in missing paperwork and have their application reassessed without waiting for a new hearing.

Is the process deterring applicants?

In the 20 years since the Gender Recognition Act came into force, 8,464 certificates have been issued – over a third in the past four years. Applications are being submitted and GRCs awarded in greater numbers than ever before.

⁹ <https://www.judiciary.uk/wp-content/uploads/2018/03/Tribunals-Journal-Edition-2-of-2019-1.pdf>

¹⁰ [Minutes of Gender Recognition Panel User Group](#)

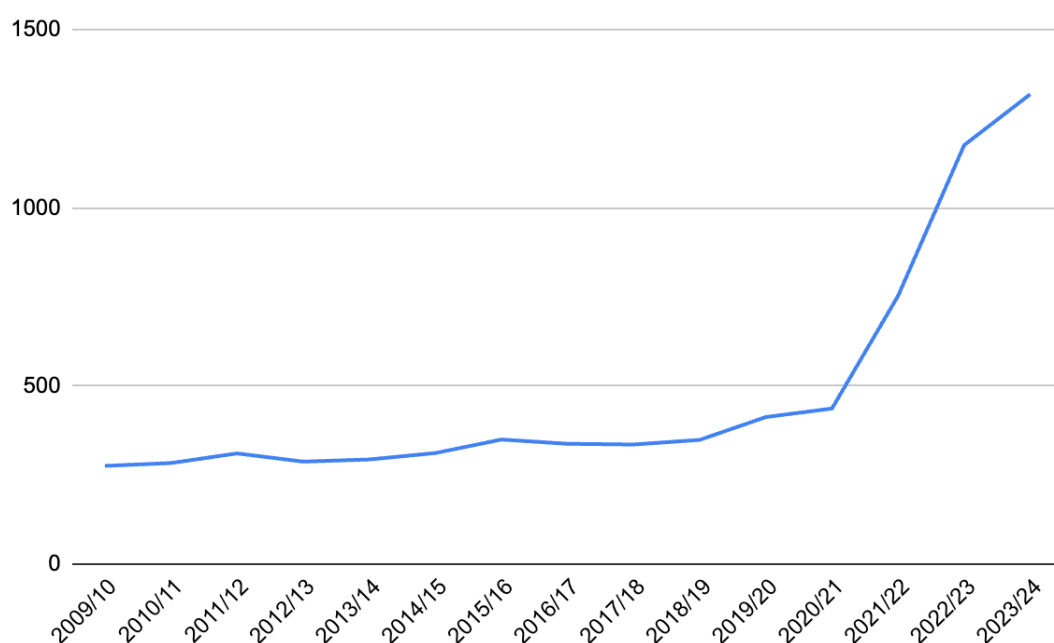
When the Gender Recognition Act was passed it was recognised that there was an existing population of transsexuals who had transitioned over previous decades. It was estimated that there were approximately 5,000 transsexual people in the UK at that time.

A fast-track process was offered for this group, requiring one doctor's report to confirm surgery or a past diagnosis. The fast-track process ran until 3rd April 2007, and issued 1,443 GRCs.

After the end of the fast-track period the number of applications settled at a slower and relatively steady rate, rising gradually to around 30 applications a month.

But starting in 2019 the number rose sharply, to over 100 a month in 2024.⁸ Last year 1,397 applications were received and 1,100 GRCs granted. Only 102 were refused.¹¹

Number of applications for a standard GRC¹²



Given these numbers it is unlikely that more than a small minority of these successful applicants have had, or intend to have, genital surgery (what most members of the public think of as “sex change” or “gender reassignment” surgery).¹³

The age profile of applicants has changed, with 30s and under rising from around 30% of applications in 2009 to around 50% in 2023/24.

¹¹

<https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2024/tribunal-statistics-quarterly-january-to-march-2024#gender-recognition-certificates>

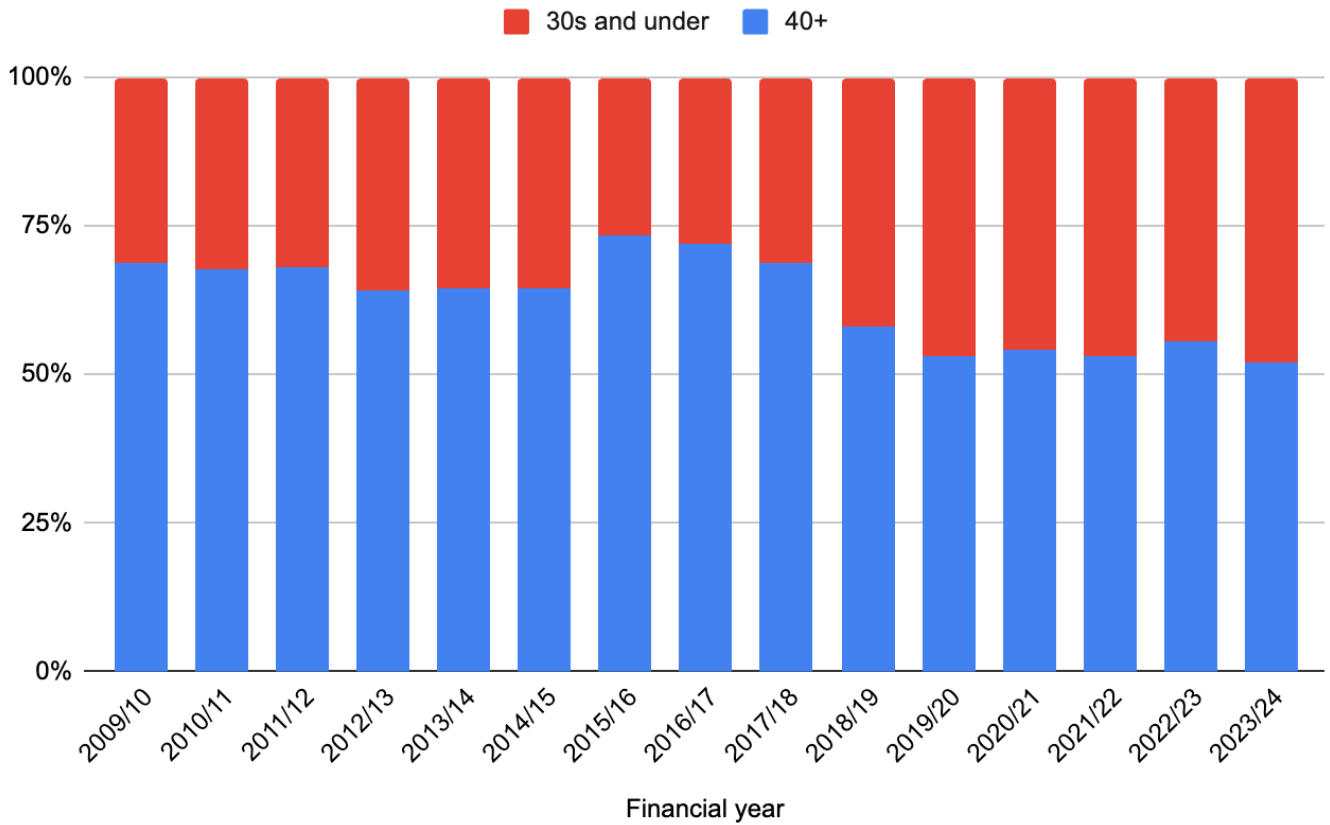
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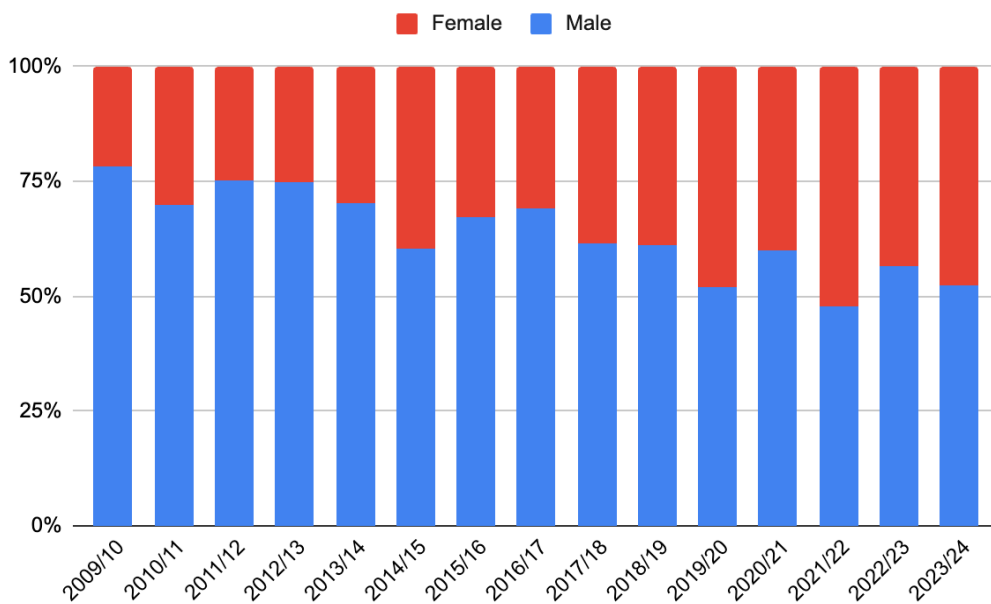
<https://www.dailymail.co.uk/health/article-12140429/Number-Brits-undergoing-gender-changing-ops-doubles-decade-fascinating-stats-reveal.html>

Age of GRC applicants¹⁴



The sex mix has shifted from 80% male and 20% female to 50% male and 50% female.

Sex of GRC applicants¹⁵



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¹⁴ Ages are estimated based on the bands of dates of birth reported by HMCT

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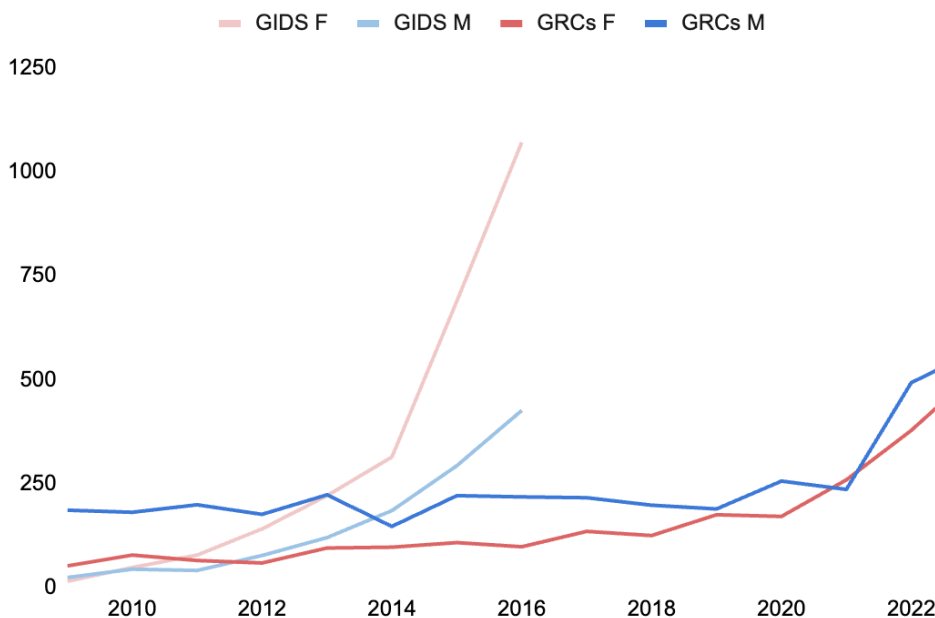
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<https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2024/tribunal-statistics-quarterly-january-to-march-2024#gender-recognition-certificates>

This pattern of sharply rising numbers, more younger people, and more “female to male” transitioners reflects and follows on from the pattern seen at the NHS Tavistock Gender Identity Development Service (GIDS) clinic and investigated by Dr Hilary Cass.

Adolescent referrals to GIDS and GRCs awarded¹⁷



There is no evidence that the GRC application process is proving an unreasonable barrier to those seeking certificates. Rather, the campaign to make it easier for people to get a GRC is motivated by a desire to open up the process to those who would not currently qualify. Stonewall and allied campaigners see *any* requirement for medical diagnosis as “inhumane and undignified”.¹⁸

Any action to “modernise, simplify, and reform” the Gender Recognition Act should be based on evidence of how the current process is working, consideration of the problem the GRA intended to solve and recognition that other people’s rights matter. It is irresponsible to make it easier for people to change their sex for “all [legal] purposes”, as the GRA does, without considering the impact on women’s rights, child safeguarding and other areas of law and policy where sex matters.

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Sex Matters is a charitable incorporated organisation. Charity number: 1207701

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¹⁷ <https://cass.independent-review.uk/home/publications/final-report/> and <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2024/tribunal-statistics-quarterly-january-to-march-2024#gender-recognition-certificates>

¹⁸ <https://www.stonewall.org.uk/about-us/news/stonewall-statement-labours-gender-recognition-act-reform-proposals>