

Kate Harris
LGB Alliance
By email to:
lgballiancefuture@gmail.com

Date: 14 November 2019

Dear Kate,

Thank you for your letter dated 23 October 2019.

The area of sex, gender and transgender rights (and in particular the interplay between sex and gender) comprises both a complex field of law and the subject of significant and important public debate and I very much appreciate you writing to share your concerns.

The Commission works to enhance public understanding of, and ensure compliance with, the Equality Act 2010 under which, as you know, the characteristics of sex, sexual orientation and gender reassignment are all protected equally.

We support a trans-inclusive approach and recognise concerns about the balancing of rights in this area. Our work aims to help clarify the law, and in particular the interplay between the 2010 Act and the Gender Recognition Act 2004, which is an especially complex area of law.

We have made or are planning to make a number of public statements and publish guidance to promote understanding of the position under the 2010 Act with respect to sex, gender and transgender rights. These include:

- [Our response to the government's consultation on reforms to the Gender Recognition Act 2004.](#)
- [Our statement on sex and gender reassignment: legal protections and language.](#)
- Our forthcoming guidance for schools on trans pupils.

We will continue to set out our views on the law around sex, gender and transgender rights and on concerns that arise around balancing rights in this area. In doing so, it is important that we engage with all relevant stakeholders, including both Stonewall and LGB Alliance.

You will appreciate that we do not control, or have responsibility for, policy positions taken by Stonewall or any other third sector organisation. Nor do we control or have responsibility for how Stonewall, or any other third sector organisation, decides to allocate its funding. We have carefully considered all the concerns raised in your letter with regard to positions adopted by Stonewall. I am afraid that none of these is capable of forming the basis of the deployment of any of the Commission's statutory powers, which do not apply in these circumstances.

You raise in your letter the public sector equality duty on fostering good relations between people who share a protected characteristic and those who do not. The PSED applies to public bodies and in addition to private organisations or charities only when they are carrying out public functions (for example, a security company running a private prison or private care homes providing care on behalf of a local authority). It is our view that Stonewall is not carrying out any public function to which the PSED applies.

We remain vigilant as to any breaches of the 2010 Act, by any organisation on any relevant matter, and consider any issues arising under our strategic plan and internal prioritisation procedures. If you have examples of legal definitions contrary to provisions of the 2010 Act being provided by Stonewall, you can share these with the following members of the Commission's policy team: emily.hindle@equalityhumanrights.com and lorel.clafton@equalityhumanrights.com.

Yours sincerely,



Rebecca Hilsenrath

Chief Executive

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