



# **Trans Inclusion and Gender Identity Policy**

Bristol City Council

18/08/2023

Version 1.00

## Policy overview

**Policy title:** Trans Inclusion and Gender Identity Policy

**Authorising Head of Service/Director:** Director: Policy, Strategy and Digital

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

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

**Was an Equality Impact Assessment required?** [Yes]

**Date of review by the Equality and Inclusion Team** [24/04/2023]

**Publication date:** 18<sup>th</sup> August 2023

**Date by which this policy must be reviewed:** 18<sup>th</sup> August 2024

## Table of Contents

Policy overview .....	2
1. Introduction .....	4
2. What does ‘trans’ mean? .....	4
2.1 Gender and Sex .....	5
2.2 Sexual Orientation.....	5
3. Legal and protections.....	6
4. Pronouns and language .....	6
5. What is transitioning?.....	7
6. Providing Trans Inclusive Services .....	7
6.1 Updating records and acceptable ID .....	8
6.2 Single Sex Services .....	8
7. Discrimination, harassment and victimisation .....	9
7.1 Freedom of speech and expression .....	11
8. Use of shared facilities .....	11
9. Support and resources.....	12
10. Terminology.....	12
11. Monitoring and evaluation .....	14
12. Version control table.....	15
13. Consultation feedback to citizens - “You Said, We Did.” .....	16

# 1. 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](#).

## 2. What does 'trans' mean?

'Trans' is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth<sup>1</sup>. Trans 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 those who identify as trans will be trans men or trans women, and not all trans people will seek legal or medical intervention of any kind. Similarly, not everyone who rejects gender norms, or who is non-binary will identify as being trans.

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 masculinise or feminise 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<sup>2</sup>.

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<sup>1</sup> See 'Assigned sex' in Terminology section below

<sup>2</sup> [Gender Recognition Act 2004 - Explanatory Notes \(legislation.gov.uk\)](#)

**Please Note:** Although not all terms will be referenced throughout the document, this policy is applicable to people with non-binary, gender fluid or gender variant identities, including those who are agender.

## **2.1 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.

## **2.2 Sexual Orientation**

Sexual orientation is distinct from gender identity and trans people may be 'straight' (heterosexual), lesbian, gay, bi, pansexual or asexual etc. For example, a person who transitions from male to female and is attracted solely to men might identify as a straight woman.

### 3. Legal and protections

In the Equality Act 2010 trans people are protected from discrimination, harassment and victimisation under the characteristic of 'Gender Reassignment'. This applies to anyone who is undergoing, has undergone, or is proposing to undergo a process of reassigning their sex. For this to apply a person does not have to have undergone any medical procedure to change their sex. This is because gender reassignment is a personal process rather than a medical one<sup>3</sup>.

Trans people have the right to change their legal sex and be issued with a new birth certificate that recognises them as their affirmed sex. The Gender Recognition Act 2004 allows trans people, provided they meet the requirements outlined in the Act, to obtain a Gender Recognition Certificate (GRC), which enables them to obtain a birth certificate with their acquired gender marker stated on it<sup>4</sup>. A person does not need a GRC to be protected under the Equality Act.

The Council recognises that the current legislation may not always provide clear protection against discrimination for all trans and gender-diverse people.

### 4. 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/their. 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. Misgendering people by using the wrong pronouns and titles can cause offence and distress and undermine the council's attempts to provide inclusive services.

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

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<sup>3</sup> [Gender reassignment discrimination | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)

<sup>4</sup> This is only true for binary trans people (trans men and trans women); anyone whose gender identity falls between or outside of these categories is not currently able to obtain a GRC or a birth certificate with their acquired gender marker on it as the UK government does not legally recognise genders other than male or female.

## 5. 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 2004<sup>5</sup>. 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.

## 6. Providing Trans Inclusive Services

Bristol City Council's [Equity and Inclusion Policy and Strategic Framework](#) sets out our overall approach to shaping and delivering services which actively address inequality and exclusion and address the progressive building of good relations between different 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 service area.

General examples of good practice include:

- Proactively stating that you support and welcome trans people and display inclusive messaging.

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<sup>5</sup> 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.

- 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.
- Assuming everyone selects the facilities appropriate to their gender identity, including those with non-binary, gender fluid, agender or gender variant identities.

## 6.1 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.

## 6.2 Single Sex Services

The Equality Act 2010 allows for the provision of separate or single sex services in certain circumstances under 'exceptions' relating to sex<sup>6</sup>.

Under normal circumstances trans people should be referred to and be able to access the service that best matches their gender. People who are non-binary, gender-fluid or agender should usually be referred to the service that they feel most comfortable with.

Trans and gender-diverse people are sometimes lawfully denied access to particular services, facilities and groups that are for women or men only – for example single sex refuges for those fleeing domestic abuse, or support groups for survivors of rape or sexual assault.

There is a provision under the Equality Act 2010 that allows providers of women-only or men-only services to exclude people from certain aspects of a service on the

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<sup>6</sup> [Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment provisions | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/equality-act/equality-act-sex-and-gender-reassignment-provisions)



basis of 'gender reassignment' where the provider can objectively justify that doing so is a 'reasonable and proportionate means of achieving a legitimate aim'. Any exception to the prohibition of discrimination must be applied as restrictively as possible to balance the needs of trans people and other service users, and steps should be taken to minimise the impact on trans people if exclusion is the only viable option.

The provision of different types of service may be for the safety of the trans or gender-diverse person. Trans and gender-diverse people also have a right to privacy and should not be placed in situations where the differences in their bodies are put on display to other service users.

The service provider has to be able to demonstrate that their 'legitimate aim' could not have been achieved in a different way that does not exclude trans and gender-diverse people. Decisions should be based on a comprehensive risk assessment process that considers the safeguarding of trans and gender-diverse people and others.

The explanatory notes that accompany the Equality Act 2010 give an example:

*"A group counselling session is provided for female victims of sexual assault. The organisers do not allow transsexual<sup>7</sup> people to attend as they judge that the clients who attend the group session are unlikely to do so if a male-to-female transsexual person was also there. This would be lawful."<sup>8</sup>*

Services should ensure that the equality rights of one group of people with a particular protected characteristic do not take priority over the rights of another group with a particular protected characteristic.

## 7. 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 gender identity, gender expression or sex characteristics.

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

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<sup>7</sup> See Terminology below - 'transsexual' is an older term used in UK legislation. Though the term is still used and preferred by some trans people, it is considered by many to be an outdated term and the terms trans or transgender are preferred.

<sup>8</sup> [Equality Act 2010 - Explanatory Notes \(legislation.gov.uk\)](https://www.legislation.gov.uk)

**Direct discrimination** occurs when someone is treated less favourably because they are (or are thought to be) trans or gender-diverse - 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 everyone in the same way but ends up having a disproportionately negative impact on trans or gender diverse people – 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 trans related discrimination.

**Harassment.** The Council recognises that harassment can take many forms and can be subtle and insidious in nature. Where we are aware any harassment is specifically on the grounds of gender identity or gender expression<sup>9</sup>, 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 \(bhcds.org.uk\)](http://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
- Deliberately using an incorrect pronoun or misgendering somebody (as opposed to using an incorrect pronoun due to a lack of awareness or simply by honest mistake). Deliberate misgendering is a recognised form of anti-trans harassment<sup>10</sup>.

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<sup>9</sup> We also recognise other forms of harassment on the basis of disability, sex, race or ethnicity, religion or belief, and sexual orientation.

<sup>10</sup> [Gender reassignment discrimination | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://equalityhumanrights.com)

**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 \(saricharity.org.uk\)](https://www.saricharity.org.uk/what-is-hate-crime/)

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

## 7.1 Freedom of speech and expression

People who hold views such as rejecting the concept of gender identity; emphasising the importance of sex as a binary, unchangeable biological characteristic; or viewing trans people as belonging to the sex they were assigned at birth, are sometimes referred to as having 'gender critical' beliefs. This may include for example believing that trans women are men and should routinely be excluded from women's spaces. However not everyone who holds these views (or some of these views) would consider themselves to hold 'gender critical' beliefs and care should be taken not to assume this or apply this terminology universally.

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 cannot be used as a justification for discrimination, harassment or victimisation directed against any group or individuals.

## 8. Use of shared facilities

Bristol City Council will support trans service users and citizens, including non-binary, gender fluid, or agender people, to use the facilities (such as toilets, changing and washing facilities) that best fit their gender identity. There may be exceptional circumstances when services need to take a different approach to the use of shared facilities – see Single Sex Services section.

Gender neutral facilities mean everyone shares the same space for waiting and hand wash facilities. Unisex – or universal – toilets are dedicated, self-contained toilets with individual washing facilities which maintain privacy for a single user. The

provision of different types of facilities 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.

## 9. 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.

## 10. 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', however some other countries legally recognize 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):** An umbrella term used to describe individuals who have a gender identity which differs from that associated with the sex they were assigned at birth. People under the trans umbrella may use one or more of a wide variety of terms to describe themselves.

**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. It is often understood to describe an individual who has transitioned from male to female or from female to male. Though the term is still used and preferred by some trans people, it is considered by many to be an outdated term and the terms trans or transgender are preferred.

**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.

## 11. Monitoring and evaluation

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

## 12. Version control table

Date	Author	Version	Change Summary
18/08/2023	Equality and Inclusion Team	V1.000	Initial final version. For changes since Consultation Draft see Section 13.

Table 1 Version control table

## 13. Consultation feedback to citizens - “You Said, We Did.”

You Said:	We Did:
<p><b>Good practice examples</b></p> <p>You said our examples of good practice should include communicating proactive messages of support and welcome for trans people.</p>	<ul style="list-style-type: none"> <li>We updated our examples of good practice in the policy to include this.</li> </ul>
<p><b>Updating records and acceptable ID</b></p> <p>You highlighted practical issues around updating personal records and acceptable ID. Some people thought our good practice examples on updating records and acceptable ID might put women and girls at risk.</p>	<ul style="list-style-type: none"> <li>We added a separate new section on updating records and acceptable ID, saying there may be exceptional circumstances when single sex services might need to take a different approach.</li> </ul>
<p><b>Discrimination and unacceptable behaviour</b></p> <p>You suggested additional examples of unacceptable behaviour. Some respondents thought our examples of inappropriate behaviour would interfere with free speech or the right to express gender critical views.</p>	<p>We updated our policy to:</p> <ul style="list-style-type: none"> <li>include deadnaming as a form of unacceptable behaviour</li> <li>made it clear accidentally using an incorrect pronoun can be based on lack of awareness or simply be a mistake, however deliberate misgendering is a recognised form of anti-trans harassment.</li> <li>simplified our definition to say: ‘Transphobia is a fear, hatred or prejudice against trans people.’</li> <li>refer to ‘demeaning or offensive’ rather than ‘inappropriate’ jokes.</li> <li>clarify that the examples of unacceptable behaviour are not exhaustive, so people don't think other variations are ok</li> <li>made it clear this policy just relates to one area and there are legal protections for other forms of unlawful discrimination.</li> </ul>



<p><b>Pronouns</b></p> <p>Some respondents were concerned that our policy approach to sharing pronouns could make people disclose their personal pronouns even if they didn't want to.</p>	<p>We reworded the section on pronouns to:</p> <ul style="list-style-type: none"> <li>• make it clearer that not all pronouns relate to gender</li> <li>• Say 'preferred pronouns' not 'correct pronouns'</li> <li>• Emphasise that we will support employees who choose to share their pronouns in email signatures etc. but this entirely optional</li> </ul>
<p><b>Language</b></p> <p>You said that some wording and language used in policy were othering or could reinforce negative assumptions and stereotyping</p>	<p>We reworded sections of the policy to:</p> <ul style="list-style-type: none"> <li>• say any support offered to trans people is up to them.</li> <li>• remove references to older guidance with less inclusive language (or explain this is outdated when we need to keep it)</li> <li>• acknowledge the term 'acquired gender' as used in the Gender Recognition Act 2004 is not inclusive of people who are non-binary, gender-fluid or who do not have a fixed gender</li> <li>• say some people with gender critical views are unhappy to be described as cisgender.</li> <li>• say most intersex people are either male or female and all have a sex registered at birth.</li> <li>• refer to 'single sex refuges for those fleeing domestic abuse, or support groups for survivors of rape or sexual assault' as not all abuse is male violence against women.</li> </ul>
<p><b>Gender critical beliefs</b></p> <p>Some respondents thought our policy was written in a biased way that discriminated against people who hold gender critical beliefs</p>	<ul style="list-style-type: none"> <li>• We reworded our sections on 'Freedom of Speech and Expression' and definition of 'Transphobia' to make it clearer that holding 'gender critical' beliefs is protected under the characteristic of Religion and Belief in the Equality Act 2010.</li> </ul>
<p><b>Single sex services</b></p> <p>Some respondents thought our policy approach would mean that women and girls would not be safe using single sex services</p>	<p>We updated our policy to:</p> <ul style="list-style-type: none"> <li>• Refer to the latest Equality and Human Rights Commission Guidance and remove older references</li> <li>• Make it clearer in other sections that the lawful exemptions for single sex services apply where appropriate.</li> </ul>

<p><b>Shared facilities</b></p> <p>Some respondents said they preferred gender neutral facilities; others were concerned that these are not safe or inclusive for everyone.</p> <p>Some respondents said there should always be separate men's and women's toilets</p> <p>Some respondents said they thought supporting trans and gender-diverse people to access facilities that best fit their gender identity is a safeguarding risk</p>	<p>We updated the policy to:</p> <ul style="list-style-type: none"><li>• make it clearer that the policy is not advocating any one type of facility (e.g. gender neutral) over another.</li><li>• say the provision of facilities falls outside the scope of the policy and should be assessed on a case-by-case basis, based on contemporaneous law, regulations and guidance.</li><li>• simplify the content on safeguarding concerns in 'Use of Shared Facilities' to refer to lawful exceptions under 'Single Sex Services' section.</li></ul>
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