

**Gender Recognition Panel User Group Meeting**  
**Wednesday, 5<sup>th</sup> November 2008**  
**Fox Court, Grays Inn Road**

**Chair:** Jeremy Bennett – Deputy President of the GRP

**Attendees:**

Dr. Jane Rayner – Medical Member of the GRP  
Graham Cresswell – GRP Team Manager  
Vidya Wadher – GRP Team Leader  
Tshanda Dube – GRP Administrative team  
Angela Clayton - Press for Change  
Marguerite Celiz – Human Rights Division, MoJ  
Dr D Di Ceglie – The Tavistock Clinic  
Dr T Olive – Norfolk Gender Identity Clinic  
Dr M Perring – Optimal Health of Harley Street

**Apologies:**

Michael Harris - GRP President  
Glenn Preston – Human Rights Division, MoJ  
Dr N Jamil - Consultant Psychiatrist

**1. Welcome and Introductions**

Jeremy welcomed everyone to the meeting, who introduced themselves.

**2. Minutes from last meeting**

Approved. No matters arising from the Minutes.

**3. Administrative Report**

A report was circulated to those present at the meeting.

The administration team comprises of Tshanda Dube (GRP and Tribunal Caseworker), Vidya Wadher (GRP, Team Leader) and Graham Cresswell (Manager of the GRP).

The Team are based in Leicester and comprises 8 staff in total who also administer work for the Information Tribunal, Charity Tribunal and the Gambling Appeals Tribunal.

The Gender Recognition Panel is receiving between 20 -30 applications a month. It is currently running 33% above profiled receipts for the financial year. There has been an increase in the number of Panel Sessions to deal with the increase.

Angela raised concerns with the time that it has been taking from the submission of an application to the decision being made by the Panel; she quoted a period of 7 months. The case concerned was not identified.

This would be a “one-off” situation due to complications with the application. The administration teams target is 14 weeks from receipt to issue of the Panel's decision.

A majority of applications have their first hearing well within the 14-week period, but if the Panel cannot make a final decision and further directions are required, this may take the application over the 14-week period. On receipt of a response to the directions, the application is put before the Panel on the next available session.

Angela asked for details of the number of cases each month which have a first hearing within 14 weeks. Graham asked that this request and any further requests for information to be made in writing.

#### **4. Judicial Report**

Jeremy explained that His Honour Judge Michael Harris remains the President of the Gender Recognition Panel (GRP). Jeremy as Deputy President has day-to-day responsibility for judicial issues relating to the GRP. Five of the doctors are Fee Paid. The other Panel Members are all Salaried Members of the Judiciary. All also sit in the former Social Security and Child Support Tribunal and deal with legal issues arising from medical issues.

The Panel has eleven members, made up of the following:

- a President;
- a Deputy President;
- three Legal Members, and
- six Medical Members.

Applications are heard by a GRP made up of a Legal and Medical Member.

A question was raised regarding the number of applications which are refused. 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.

There have been 3 appeals to Higher Courts.

- 1) Was compromised. The individual provided the Panel with the required information which resulted in a successful application.
- 2) Has not been pursued.
- 3) Went to the Court of Session, who confirmed the Panel's approach to the President Guidance Note No.1. The decision was made confidential by the Courts and cannot be published.

## **5. The Tribunals Courts and Enforcement Act**

The Tribunals Courts and Enforcement Act bring together a number of Tribunals under a new unified tribunal system, with the creation of two new tribunals (the First-tier and the Upper Tribunals). The new structure aims to provide improvement in the service received by users. For the time being GRP is unaffected by the changes.

The plan is to transfer GRP to the Social Entitlement Chamber of the First-tier Tribunal with appeals to the Upper Tribunal from 2009. This may be deferred to April 2010, but no firm decision has yet been made.

The views of the Transsexual community will be sought as interested parties. Those at the meeting supported the transfer to the Social Entitlement Chamber in general terms.

Further details are available on [www.tribunals.gov.uk](http://www.tribunals.gov.uk) under 'Latest News'.

## **6. Anonymity of the judiciary**

When the Panel issue a decision they are represented by a different number issued to each Legal Member. Dr Olive raised concerns about this and would like to have it changed so that instead of a number they can put their name at the bottom of the decision.

Jeremy will have a further discussion about this with the MoJ.

## **7. Married Applicants**

To receive a full GRC, a transsexual person must be unmarried and not in a UK civil partnership. This is because, under the laws of the UK, a marriage is only valid if it is contracted by two people of the opposite sex.

Applicants are required to make a statutory declaration to disclose if married or single. If previously married a copy of the Decree Absolute must be provided.

In the last year, the Panel have found a number of applications where there is a confusion about whether the applicant is still married.

There have been cases where a full certificate has been issued when it has later come to light that the applicant remains married in their original gender.

If a GRC is obtained whilst still married, this will invalidate it and any rights or benefits arising in the acquired gender. Those advising applications are encouraged to alert applicants to potential problems. If in doubt they should consult the GRP Secretariat.

## **8. Applications being processed jointly**

Angela raised concern with the procedure for when two separate applications are made by different individuals, which they would like to be processed at the same time.

This can be done, but the applicants must make this clear with their applications. The administration pointed out that if one application was to be delayed due to further directions being required by the Panel, this would delay the processing of the other application.

## 9. **Young Applicants**

The Panel have started to receive an increase in applications from young adults. The GRP are interested in the process for these individuals living in the gender for 2 years before their 18th birthday.

Dr Di Ceglie explained the process for those individuals and a general discussion followed.

## 10. **Review of Fee's Rate**

When the GR Act was introduced, a fees structure was put in place.

The fee has never been increased, but this is now likely to take place in the near future.

Details of the break down of application fees for applications received from 1<sup>st</sup> April 2008 to 31<sup>st</sup> October 2008

Full Fee	41
Reduced Fee	31
Exemption of Fee	109

## 11. **Presidents Guidance Note No.1**

Guidance was issued by the President on the GRP's medical requirements for evidence with each application.

Dr Olive raised concerns with paragraph 6 of the medical report form regarding the space provided for details and requested clearer directions from the Panel when further directions are issued.

The Act states that an applicant must provide two reports of medical evidence giving details of their diagnosis of gender dysphoria and any surgical or medical treatment.

The Panel cannot make assumptions and require clear evidence and confirmation of the diagnosis. These are legal requirements.

The form will be reviewed in relation to paragraph 6. Attachments can be made to the form, to allow more information to be provided.

## 12. Evidence of living in acquired gender

Dr Olive raised concerns with the application that have resulted in further directions being issued from the Panel and requested clearer directions from the Panel when further directions are issued.

Jeremy said the Panel often receive the bare minimum of evidence from applicants and issue directions to see more evidence. There has been no change to the threshold of evidence required for the grant of a GRC.

Further directions are issued in preference to refusing an application to enable the applicants to submit the required information.

The Panel is a judicial body. The Act states the evidential requirements and the Panel cannot make assumptions if the evidence is not present.

## 13. GRP statistics 4<sup>th</sup> April 2005 until 31<sup>st</sup> October 2008 inclusive

### **FAST TRACK Receipts (up to and including 31<sup>st</sup> October 2008) - 1542**

<b>Full GRC's</b>	<b>1443</b>
<b>Interim GRC's</b>	<b>46</b>
<b>Refusal</b>	<b>46</b>
<b>Withdrawn</b>	<b>7</b>
<b>Pending</b>	<b>0</b>

### **STANDARD TRACK Receipts (up to and including 31<sup>st</sup> October 2008) - 947**

<b>Full GRC's</b>	<b>755</b>
<b>Interim GRC's</b>	<b>47</b>
<b>Refusal</b>	<b>22</b>
<b>Withdrawn</b>	<b>14</b>
<b>Pending</b>	<b>107</b>

### **OVERSEAS TRACK Receipts (up to and including 31<sup>st</sup> October 2008) - 71**

<b>Full GRC's</b>	<b>45</b>
<b>Interim GRC's</b>	<b>0</b>
<b>Refusal</b>	<b>7</b>
<b>Withdrawn</b>	<b>13</b>
<b>Pending</b>	<b>6</b>

