

Reform of the Gender Recognition Act - Government Consultation

A Response from the Church of England.

We have read with interest the consultation document concerning the Gender Recognition Act (2004) and note that the Minister is particularly interested in hearing from (*inter alia*) religious bodies. The Church of England, in its role as the Established Church, seeks to contribute, where possible, to the development of government policy and to the promotion of the common good in our society. Given the Minister's desire to hear from religious organisations, it would be remarkable if the Church of England did not acknowledge the consultation process and seek to contribute to it.

The concern of the consultation to minimise the burdens borne by trans people in the process of seeking legal recognition of their gender identity reflects a clear pastoral concern. However, we find ourselves unable to make use of the questionnaire format of the consultation response form because to do so would mean pre-empting ongoing work that we are currently undertaking ourselves.

Living in Love and Faith

The Church of England is engaged in a major exercise of addressing its own pastoral practice among LGBTI+ people (including transgender people) and is conducting an extensive study to enable the church and its members to understand better, and reflect theologically upon, questions of gender, sex and sexuality (This project is entitled: *Living in Love and Faith*). This involves a programme of careful listening to many groups of people within and beyond the church, including trans people and other church members, and those who lead developments in the academy and professions. The process has only recently begun. Careful listening relies upon hard-won trust supported by a willingness on all sides to be open to new insights and challenging truths. Those involved in these processes accept that, given the way understandings of gender are changing rapidly, the church still has much to learn.

As this work is ongoing, expected to run until at least 2020, and because it involves attentive listening to many people within and beyond the church who contribute to our learning from different perspectives, we are necessarily cautious about any step that might damage the trust on which these deep conversations depend. Responding to the detailed questions in Annexe B of the consultation document, most of which are in a Yes/No format, will inevitably mean pre-empting some of our discussions unhelpfully.

The Church of England and Trans People

We are aware, from transgender colleagues in the Church of England, that the current Consultation has proved divisive, even among trans Christian people themselves. Some are in favour of retaining medical scrutiny while others point out that the current proposals still require people to commit to transition and that similar legislation operates uncontroversially in other jurisdictions, for example in the Irish Republic.

In July 2017 the General Synod of the Church of England voted unequivocally to both welcome and affirm transgender people and that is the basis for our pastoral practice. Trans people with gender

recognition are already able to marry in our churches. Being transgender does not prevent someone offering themselves for ordained ministry and we have transgender clergy as well as laity.

Our commitment and practice in this regard does not in itself give us a clear steer on the issues on which the Minister is consulting. We can say with some confidence that excessive bureaucracy in the process of gaining a Gender Recognition Certificate is neither welcoming nor affirming of transgender people in relation to the structures of the law and society at large – but we do not have a settled view in the Church of England about precisely which aspects of the legal process are necessary in this case.

However, in the course of our *Living in Love and Faith* programme, and as we have discussed and reflected upon the current Consultation, we have sought many views and have made some progress in clarifying the issues behind the questions in the consultation on the Gender Recognition Act and the possible direction of future policy, none of which will be evident from this necessarily brief response.

Should the Minister wish to consult the Church of England further we would be delighted to engage more fully on the underlying issues, sharing the fruits of our current work and outlining the ways in which our thinking is developing. Should you wish to take this possibility further, we shall consider carefully how to include and to reference the views of LGBTI+ – especially transgender – people within the church.

The Revd Dr Malcolm Brown (Director of Mission and Public Affairs for the Archbishops' Council of the Church of England) following consultation with the Archbishops of Canterbury and York and the Bishops of Coventry and Newcastle.