

Trans inclusion policy statement

We have an inclusive approach to engaging with people and recognise that we are all different. We treat everybody with dignity and respect and this policy statement sets out our approach to trans inclusion.

We use the terms trans or transgender as umbrella terms for those whose gender identity differs from what is typically associated with the sex they were registered at birth. We will respond to people using their preferred terminology and recognise there is a wide variety of trans identities, including people who are non-gendered.

The statement covers everyone who deals with the SRA, including the people we regulate.

How we communicate with you

We recognise everyone has a preferred way of describing themselves and hope you will let us know how you would like us to refer to you when we communicate with you.

We will use your preferred pronouns and title and will not make assumptions about your gender identity when we talk to you over the phone or meet you in person. If we get it wrong, please tell us so we can put things right.

Our records

We collect information and keep records about the people we regulate and the people we are in contact with in the course of our work. We will treat any information that we receive about a person's trans status sensitively and in confidence. Read more about the information we collect and how we use it [[/sra/how-we-work/privacy-data-information/privacy-notice/](#)].

People we regulate can manage their own electronic records on mySRA and can make a change to their title and name. We recognise that a person may wish to make these changes at different times in their transition, so we will accommodate this whether or not you have undergone or intend to undergo any process for gender reassignment. Read more about how to make a change to your records [[/mysra/](#)].

Diversity monitoring

We ask the people we regulate for diversity information, including whether their gender identity is different from that registered at birth.

This information is collected through our diversity data survey of law firms and through mySRA and will only be used to provide a broad picture of diversity in the profession. We use the information provided to help us analyse our policies to make sure they promote equality of opportunity and do not unlawfully discriminate.

There is no requirement to provide this information and we provide an option for people who prefer not to say.

More about the law protecting the privacy of transgender people

Equality Act 2010

The Equality Act covers people who may be discriminated against because they have the

protected characteristic of 'gender reassignment' and refers to people with this characteristic as 'transsexual'.

This includes people who are "proposing to undergo, [are] undergoing or [have] undergone a process (or a part of a process) for the purpose of reassigning [their] sex by changing physiological or other attributes of sex". We recognise that some trans people find this terminology outdated.

The Equality Act protects people in various aspects of their daily life, including when they are in employment, when they are using services being provided to the public (like shops, hotels or banking facilities) and when they are dealing with organisations carrying out public functions like the SRA.

The SRA is also covered by the public sector equality duty set out in the Equality Act and this means we must be proactive in taking steps to make sure our approach is fair to trans people.

Gender Recognition Act 2004

The Gender Recognition Act 2004 gives legal recognition to trans people in their acquired or affirmed gender through a Gender Recognition Certificate (GRC). It provides a process for people to apply for a GRC which allows them to change their birth certificate.

The Act protects people who have a GRC or are applying for one, by making it a criminal offence for someone in an official capacity to disclose information which reveals a person's planned or actual change of gender status. There are exceptions, for example when disclosure is necessary and relevant to the investigation of a crime or to court proceedings. The SRA will take steps to make sure that your data is secure.

Data Protection Act 2018

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for specified, explicit and legitimate purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

In addition, data processing must not cause either unwarranted and substantial damage or distress to the individual. So organisations, including the SRA must be sensitive in handling the records of trans people, for example in how they record gender identity, names and titles.

The Human Rights Act 1998

The Human Rights Act gives effect in UK law to the basic rights and fundamental freedoms contained in the European Convention on Human Rights, so these rights are enforceable in UK courts. It governs the conduct of all public bodies carrying out public functions, including the SRA. It makes it unlawful for those bodies to act in a way that is incompatible with a convention right.

Three convention rights are especially relevant to transgender issues. Article 8 protects the right to private and family life and correspondence and Article 3 protects against degrading treatment. Article 14 ensures that convention rights are 'enjoyed' without discrimination.