

5 Essex Chambers Trans Inclusion Statement

5 Essex Chambers is committed to promoting and respecting equality, diversity and inclusivity at the Bar. It is important to recognise that some people are transgender and that not everyone feels that their gender can be defined within the margins of gender binary. 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.

5 Essex Chambers supports:

- Trans, non-binary, and gender fluid pupils, tenants and employees
- Trans, non-binary, and gender fluid barristers
- Trans, non-binary, and gender fluid students who aspire to join the Bar

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.

This statement is intended to cover everyone who deals with Chambers, including members of Chambers, pupils (defined as including third six pupils and ‘squatters’), mini pupils, employees and workers, applicants for any of the above, those undertaking a work-experience placement in Chambers organised by a Bar placement scheme, clients, including lay and professional clients and visitors to Chambers.

Communication

We recognise that 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. If we get it wrong, please tell us so we can put things right.

Record keeping

We collect information and keep records about the people we employ and are in contact with in the course of our professional services. We will treat any information that we receive about a person's trans status sensitively and in confidence.

Confidential reporting

5 Essex Chambers has confidential and supportive ways of reporting any experiences of discrimination, bullying, harassment or victimisation of trans, non-binary or gender fluid barristers and employees. Chambers also supports the use of external resources for any such reporting, for example The Bar anonymous helpline and reporting tool, Spot, which can be accessed [here](#).

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.

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 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. 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.

Oct 2023