

Training checklist guide

Introduction

This is guidance to accompany the training checklist.

It includes guidance on the legislative underpinning and can help with discussions with your employer.

There is also a guide on our website to [navigating your sex-based rights in the workplace](#).

Legislation

1. The Equality Act

The **nine characteristics protected by the Equality Act** are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race

- religion or belief
- sex
- sexual orientation

What are not protected characteristics under the Equality Act are concepts/terms such as gender or gender identity, which are not encoded in the act and could be understood in different ways.

2. Public Sector Equality Duty

Section 149 of the Equality Act 2010 contains the **Public Sector Equality Duty**.

There is an obligation on public bodies like the NHS to advance equality including the protected characteristic of sex.

This is called the Public Sector Equality Duty and is under section 149 of the Equality Act.

3. Single-sex exemptions

Providers of services must not discriminate on the basis of any of the protected characteristics in the Equality Act 2010 (see **section 2**). Sex and Gender reassignment are both among these protected characteristics.

Sex is defined within the act as whether one is a man or a woman, with man defined as a male of any age and woman as a female of any age.

Gender reassignment is also a protected characteristic and protects those who are proposing to undergo, are undergoing, or have undergone a process or part of a process of reassigning gender by changing physiological or other attributes of sex.

There is currently a case going through the UK Supreme Court that should clarify whether the protected characteristic of sex means sex as biological sex or sex as modified by a gender recognition certificate.

The Equality Act makes provision for allowing direct sex and gender reassignment discrimination under certain conditions, regardless of whether someone has a GRC or not.

Schedule 3 contains **the exceptions relevant to hospitals**.

The EHRC has also issued guidance on when single sex provisions are lawful and the criteria they must meet.

The relevant conditions are as follows.

1. **The service is provided at a hospital or other place, where users need special care, supervision or attention**

For example, single-sex wards in hospitals and nursing homes.

2. **The service is likely to be used by more than one person at the same time and a woman might reasonably object to the presence of a man (or vice versa).**

For example, separate male and female changing rooms.

3. **A person might reasonably object to the service user being of the opposite sex because the service involves physical contact.**

For example, sports sessions involving a high degree of physical contact or any service involving intimate personal health or hygiene.

You must also be able to show that providing the service on a single-sex basis is a proportionate means of achieving a legitimate aim.

Proportionality requires that you balance the impact on all service users of providing services only to one sex or separately to each sex, or differently to people of each sex.

4. 149 Public Sector Equality Duty

A public authority must, in the exercise of its functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act

2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it

PSED duties come in two parts – the general duty and specific duties.

General duty

The three aims of the general duty are to make sure that public authorities have due regard to the need to:

1. put an end to **unlawful behaviour that is banned by the Equality Act 2010**, including discrimination, harassment and victimisation
2. advance equal opportunities between people who have a protected characteristic and those who do not
3. foster good relations between people who have a protected characteristic and those who do not

Specific duties

The purpose of the specific duties is to help public authorities improve their performance on the general duties.

5. EA10s57

EA10 s57 states it is '**unlawful for a trade organisation to discriminate against, harass or victimise a person who is, or is applying to be, a member**".

6. Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20

Employers should **provide single sex toilets** unless toilets are in separate rooms that can be locked.

7. Worker Protection (Amendment of Equality Act 2010) Act 2023

Employers are legally required to take **reasonable steps to prevent sexual harassment in the workplace**.

8. Human Rights Act 1998 (HRA 1998)

Article 10 of the Human Rights Act 1998 protects freedom of expression in the United Kingdom. This right includes the ability to hold and share ideas and opinions, and to receive information.

What is protected?

Political expression

The right to express political views, including peaceful protests and demonstrations.

Artistic expression

The right to produce works of art or music.

Commercial expression

The right to express oneself commercially, especially when it raises matters of public concern.

Freedom from interference

The right to be free from interference by public authorities.

What are the limitations?

Although you have freedom of expression, you also have a duty to behave responsibly and to respect other people's rights.

An authority may be allowed to restrict your freedom of expression if, for example, you express views that encourage racial or religious hatred.

However, the relevant public authority must show that the restriction is 'proportionate', in other words that it is appropriate and no more than necessary to address the issue concerned.

Training facts

9. Misleading statistics

Statistics are often misused in the area around sex and gender. Accurate statistics should be classified by the ONS and be from a legitimate source in the UK.

Recent statistics as per ONS

The Office for National Statistics has requested a reclassification of the finding that there were 262,000 trans people in England and Wales on census day, equivalent to 0.55% of the population as it is unreliable data due to a poorly formatted question.

The headline figure of "A total of 262,000" people is broken down as follows:

- 118,000 (**0.24%**) answered "No" but did not provide a write-in response
- 48,000 (**0.10%**) identified as a trans man

- 48,000 (**0.10%**) identified as a trans woman
- 30,000 (**0.06%**) identified as non-binary
- 18,000 (**0.04%**) wrote in a different gender identity

The remaining 2.9 million (**6.0%**) did not answer the question on gender identity.

10. Misleading statistics regarding suicide

Suicide statistics are often misused within this subject matter.

We are often told that around **one-in-five trans people will take their own lives** if they are unable to access gender-affirming healthcare.

The discredited ONS data that “there are 48,000 trans men and 48,000 trans women in England and Wales” so a total of 96,000

So just taking the trans numbers together:

1. The total trans population is 96,000
2. 20% (“one in five”) of 96,000 is 19,200.

We are therefore being told that there are 19,200 suicides each year by trans people, which thankfully is not substantiated by any figures of suicide in the UK.

Sadly, there were 6,069 suicides registered in England and Wales in 2023 across the entire population.

Youth suicide

The evidence on suicide risk in children and young people with gender dysphoria is generally poor. Most studies are methodologically weak, being based on online surveys and self-selected samples and coming from biased sources.

Figures for suicides in the under-18s across the UK population were sadly 116 in 2024 and average two a year for those children identifying as trans.

The data does not support the claim that there has been a large rise in suicide by young patients since the closure of the gender services at the Tavistock since the High Court ruling in 2020 or after any other recent date.

The small number of patients who died were at different points in the care system – including post-discharge – suggesting no consistent link to any one aspect of care. They also had multiple social and clinical risk factors for suicide.

The public discussion of suicide also needs careful consideration including during training.

Professor Louis Appleby's independent report tells us to:

- ensure that any claims about suicide are evidence-based and from a reliable source
- avoid alarming and dramatic language
- avoid the impression that suicide is the expected or likely outcome in certain situations
- avoid oversimplifying suicide by attributing it to a single cause which could be the basis of identification

11. Notable cases

In recent years, several employment tribunal cases in the UK have addressed the protection of gender-critical beliefs under the Equality Act 2010.

We have a document that lists them on the [SEEN in Health website](#).

12. The Nolan Principles

The **Seven Principles of Public Life** outline the ethical standards those working in the public sector are expected to adhere to. Honesty, integrity, objectivity, accountability, selflessness, openness and leadership.