

Annex B

Request For A Moratorium On Trans Women's Membership Of Women's Institutes Dated

The Equality Act 2010 and Misinformation

1. The NFWI's Equality, Diversity and Inclusion Policy states:

“Being a transgender woman is a protected characteristic (gender reassignment) under the Equality Act 2010. Gender reassignment includes the permanent decision to live as a woman and there is no legal requirement to have had gender reassignment surgery or other medical intervention.”^[1]

2. I believe this statement mis-represents the Equality Act 2010, gender reassignment is a protected characteristic but there is no need for the Women's Institute to allow trans women (men as per my definition in Annex A) to join because of this. In fact the Equality Act 2010 specifically “permits the exclusion of (transwomen)/men in a number of situations” my brackets^[2]. “Women-only associations and clubs are lawful under equality law and can restrict membership exclusively to people of the same sex”^[3].

3. Explanatory notes from the Equality Act 2010 (345) defines “an association as a body with 25 or more members where access to membership is controlled by rules and involves a genuine selection process based on personal criteria.”^[4] Furthermore note 329 states “It does not, however, prevent associations restricting their membership to people who share a protected characteristic”.^[5]

4. I firmly believe that the NFWI has been fed misinformation on the Equality Act 2010, by trans rights groups. Writing this letter has been extremely time consuming as I cross reference my sources, read legislation as a lay person, and inevitably get side tracked. The Board of Trustees of the NFWI acted in good faith when this policy was accepted and signed off, they do not have the time to comb through details. However, this does not mean it is correct.

5. I have deliberately not mentioned Gender Recognition Certificates (GRC), as the purpose of these is to legally change a person's sex, not their gender. Also, “it is not necessary or acceptable to request a GRC from any (potential) member” my brackets^[6].

6. I do not know if the drafters of the NFWI Equality, Diversity and Inclusion Policy took advice from women's rights groups. However, from the list of resources and organisations at paragraph 24,^[7] none are cited, only trans activist groups such as Stonewall, Gender Identity Research and Education Society and Gendered Intelligence.

7. This problem can be illustrated by the Scouts.

Whilst it is illegal to discriminate provision of services on the grounds of age it is permissible in certain circumstances. Scouts^[8] have the following age brackets:

Group	Age Range
Squirrels	4 to 6 years old
Beavers	6 to around 8 years old
Cubs	8 to 10 and a half years old
Explorer Scouts	14 to 18 years old
Network	18 to 25 years old

iblings who are very close in age for (example born 12 months apart) could start in the same group, maybe even together, but as one reaches the age limit they are moved up into a different group. This may cause the younger sibling to want to move up or keep the older down, causing significant distress, or logistical problems for parents as the groups may not be run concurrently. But this would not be permitted due to the age restrictions. I appreciate that local conditions may make this a flexible rule, but, as I will state in the following annex, the NFWI's Equality, Diversity and Inclusion Policy is non-negotiable.

8. In this annex I have simply copied the Equality Act and its notes, not interpreted them. I will do the same for NFWI's policy.

Conclusion

9. The Board of Trustees of NFWI has had the Equality Act 2010 misrepresented to them, and as such has allowed men to join Women's Institutes.

References:

1. NFWI's Equality, Diversity and Inclusion Policy 2021 paragraph 11.
2. <https://fairplayforwomen.com/resources/law/>
3. https://fairplayforwomen.com/equality-act-2010_womens-rights/#jump7
4. <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/7/8>
5. <https://www.legislation.gov.uk/ukpga/2010/15/notes> (search 329)
6. NFWI's Equality, Diversity and Inclusion Policy 2021 paragraph 11.
7. NFWI's Equality, Diversity and Inclusion Policy 2021 paragraph 24.
8. <https://www.scouts.org.uk/>