

There is plenty of room in museums for all of us

A statement in response to recent media coverage of *Trans-Inclusive Culture*

Anyone working in the field of equality knows that, despite the fact that the majority of the British public are not prejudiced towards trans people, efforts to advance trans inclusion will prompt fears, questions and concerns. On 7th September we launched *Trans-Inclusive Culture: Guidance on advancing trans inclusion for museums, galleries, archives and heritage organisations*, bringing together individuals with a range of legal and ethical expertise and a shared commitment to equality and inclusion for all. The Guidance is rooted in the needs of the cultural sector, drawing on over 130 responses to a survey inviting practitioners to share the challenges they were encountering in their daily work. It offers cultural organisations clear and practical steps to fulfil their legal duties and the confidence to take forward and defend that work in the face of the challenges that, as recent media coverage has shown, will inevitably be raised. Since launching the Guidance, we have received overwhelmingly positive feedback: over 4000 people have accessed it with the vast majority of these expressing their intention to use it in their work. At the same time, the Guidance has been the subject of a suite of articles in the media that are misleading and inaccurate. We took the decision as a team early on not to respond to articles that misrepresented the guidance or sensationalised the issue. However, recent suggestions that the guidance is flawed and contains outdated information need to be addressed so that cultural organisations can continue to use the Guidance with confidence.

Some articles have claimed the Guidance is flawed and unbalanced because it takes sides. It is important to recognise that initiatives to improve trans inclusion are not discriminating against individuals or groups which have other protected characteristics. Cultural organisations reaching out to welcome and include marginalised minorities do not unlawfully discriminate. While it is true that the Equality Act does not favour any one protected characteristic over another, this does not mean that trans inclusion cannot – and should not – be taken forward. Such a view misunderstands the aims and purpose of the Guidance (and of any guidance targeted towards improving inclusivity and generating equity for any group). Inclusion work is not a zero-sum game – as it clearly states in the Guidance, work to advance trans inclusion has to be undertaken alongside work to improve women's rights, to advance race equity, tackle disability discrimination and so on. It is not discriminatory to generate specialist guidance and practice around a particular characteristic – to take forward, for example, race equity action plans or trans inclusive practice.

On the always sensitive topic of toilets, a number of comments have misrepresented the Guidance. Nowhere does the Guidance recommend gender neutral toilets. It recommends separate male and female toilets as well as all gender toilets - an approach that is widely supported by people with widely divergent views on gender and trans inclusion.

There have also been claims that the Guidance is outdated because it does not reference all relevant legal cases. This is inaccurate. We have aimed to produce guidance that is accessible and appropriate for the culture and heritage sector, and not overly legalistic in language or content. Since the Guidance is not a legal document, we did not include all potentially relevant cases, but pointed to the leading case of *Forstater* as the primary source of the rule that gender critical beliefs are protected under the Equality Act. More recent cases, such as *Higgs v Farmor's School*, for example, do not change the law as stated in *Forstater*, but simply build upon it to set out, in more detail, legal principles to be considered when deciding whether interference with freedom of expression of beliefs is legitimate and proportionate.

We recognise that guidance designed to support cultural organisations to advance trans inclusion will feel challenging to some people. We have worked especially hard in the Guidance to be clear that museums are spaces for everyone and we believe wholeheartedly that there is room for all of us. Museums can be rare spaces in the public realm where we can manifest and model inclusion and equity, where diverse citizens come together to explore and connect, to engage and understand, to express themselves (in ways that are civil and that do not discriminate against or harm others) and to celebrate differences. For this to happen, we need to be able to deepen our expertise and understanding – an explicit aim of the *Trans-Inclusive Culture* Guidance. Trans people exist and their rights are recognised under the law. Therefore inclusion of trans people has to be addressed rationally and with respect and dignity. *Trans-Inclusive Culture* sets out to create the space for this work. There is room in museums for all of us and whilst we celebrate the freedom in a democratic society to hold our own beliefs, we must also acknowledge that this comes with a responsibility to recognise and respect the right we all have to live with dignity.

Suzanne MacLeod, Richard Sandell, Sharon Cowan, E-J Scott

26 September 2023