

Children's Rights Impact Assessment: Allsorts Trans Inclusion Schools Toolkit



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By Helen Saxby for Transgender Trend

With thanks to Women and Girls in Scotland for the inspiration for this assessment, and for their research into the relevant articles of the UN Convention on the Rights of the Child. The list of UN articles used in this document (including associated quotes) has been taken from the WGS Impact Assessment on the Guidance for Schools in Scotland.¹

Stage 1 – Screening

1. What is the policy/legislation?

The Allsorts Transgender Schools Toolkit 2018 edition² (with some references to the 2014 edition)³ (hereafter referred to as 'the Toolkit'). The Toolkit is aimed at primary and secondary schools in Brighton and East Sussex with the aim of helping children and young people who identify as transgender, and to make school policies more 'inclusive' of different gender identities. It has been used to inform similar toolkits in other parts of England⁴ and Wales.⁵

The Toolkit claims to provide information and guidance to teachers and headteachers regarding the law and best practice. It aims to tackle prejudice and bullying against trans and gender non-conforming children. However, in doing so, it neglects other groups of children and discriminates against girls in particular. It misrepresents aspects of the Equality Act 2010 where 'sex' as a protected characteristic is ignored in favour of the children protected under 'gender reassignment'.

2. Will aspects of the policy/legislation affect children up to the age of 18 either directly or indirectly?

Yes: directly.

1 Women and Girls in Scotland CRIA

<http://wgscotland.org.uk/wp-content/uploads/2019/01/Childrens-Rights-Impact-Assessment-by-Women-and-Girls-in-Scotland.pdf>

2 Allsorts Brighton Trans Inclusion Schools Toolkit 2018

https://uploads-ssl.webflow.com/5888a640d61795123f8192db/5bb6216a5253bf4eea4eb9_Trans_Inclusion_Schools_Toolkit_Version_3.2_2018.pdf

3 Allsorts East Sussex Trans Inclusion Schools Toolkit 2014

<https://www.mermaidsuk.org.uk/assets/media/East%20Sussex%20schools%20transgender%20toolkit.pdf>

4 Barnsley MBC: Guidance for School Staff working with Transgender and Gender Questioning Young People

<https://www.transgendertrend.com/wp-content/uploads/2018/04/20171106-amended-barnsley-transgender-guidance-3.pdf>

5 Vale of Glamorgan Transgender Inclusion Toolkit

https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2018/18-04-30/Appendices/Trans-Appendix-A.pdf

3. Are there particular groups of children and young people who are more likely to be affected than others?

Yes: primarily girls, but also lesbian and gay children, those with existing mental health or neurodevelopmental conditions and those with a religious faith: the corresponding protected characteristics are Sex, Sexual Orientation, Disability and Religious Belief.

Stage 2 – Assessing impact

4. Set out briefly below how your policy/legislation might impact on children and young people

The impact of the Trans Inclusion Schools Toolkit may be detrimental to some trans-identified pupils as well as the rest of the children in school, especially girls. Children who are struggling with gender dysphoria deserve the same level of protection as any other child experiencing difficulties or mental health issues. The simplistic ‘affirmation only’ approach endorsed by this Toolkit fails to take into account different developmental pathways. Around 80% of these children will naturally reconcile themselves to their birth sex during adolescence, and the most likely outcome for these children in adulthood is homosexual orientation without gender dysphoria.⁶

The other children in the school are adversely affected by a Toolkit which is rigid in its beliefs and its approach, and does not allow for other beliefs which may be based on science or material reality. Using ‘gender identity’ instead of ‘sex’ as a marker between girls and boys contradicts the Equality Act which has ‘sex’ as a protected characteristic. On the ground this means that girls lose their single-sex spaces and single-sex sports, which can result in a lack of safety, dignity and fairness. A common mantra is repeated to ensure that girls have no way to voice a complaint if they are unhappy with this:

Remember that a pupil who identifies as a girl but was assigned male at birth is not a ‘boy dressed as a girl’ but is a girl. (p27)

5. Which UNCRC Articles are relevant to your policy/legislation?

Article 2: non-discrimination

“[G]ender discrimination can be reinforced by practices such as a curriculum which is inconsistent with the principles of gender equality, by arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls’ participation.”

The provision of single-sex toilets, changing rooms and overnight accommodation is vital to the inclusion of girls in all educational opportunities, as has been shown by world-wide studies.⁷ There is no evidence to suggest that this is not also the case for girls in England and Wales. This need is threatened by the advice the Toolkit

⁶ Cantor, J. Do Trans Kids stay Trans when they Grow Up? (2016) Sexology Today

http://www.sexologytoday.org/2016/01/do-trans-kids-stay-trans-when-they-grow_99.html?m=1

⁷ Independent 2018: Single-sex toilets needed to overcome girls’ barriers to education, says UNESCO

<https://www.independent.co.uk/news/world/single-sex-toilets-unesco-un-international-womens-day-period-a8244776.html>

provides on the provision of such facilities.

Trans children and young people have the right to access facilities and support in line with their gender identity. (p7)

There is nothing to prohibit trans children and young people using the changing rooms or toilets which reflect their gender identity. (p16)

In all cases, trans pupils or students should have access to the changing room that corresponds to their gender identity. (p30)

As far as possible, trans pupils and students should be able to sleep in dorms appropriate to their gender identity (p31)

We will provide access to a range of appropriate toilets and changing facilities recognising that trans people are entitled to use facilities of their self-identified gender (p46)

If a boy can use the girls' facilities based on his gender identity, then these services are no longer single-sex. Girls are asked to put aside their own need for privacy and safety in favour of a boy's inner feelings, and this can lead to girls avoiding using the facilities altogether. Boys too need and want privacy from the opposite sex, and their needs should be taken into account, but girls are even more negatively impacted. Girls have different biological needs to boys as they grow up, and they should not have to share their facilities with children or adolescents of the opposite sex.

This need is recognised in the Equality Act 2010 by the provision of 'single-sex exemptions'. This means that someone with the protected characteristic 'gender reassignment' can legally be discriminated against where there is a need for single-sex provision in order to facilitate privacy, dignity and safety. The Toolkit is deliberately misleading on this point, in a way which could lead teachers to believe that girls are not legally entitled to single-sex spaces.

The advice also contradicts guidelines from the Department for Education:

Gender Separation in Mixed Schools: Para 13. It is permissible for toilet and boarding accommodation facilities to be separate as they are captured under existing statutory exceptions. Separate toilet and washing facilities must be provided for boys and girls aged 8 years and over pursuant to Regulation 4 of the School Premises (England) Regulations 2012, which falls within the exemption provided for in Schedule 22 of the Equality Act 2010. With regards to boarding accommodation, Schedule 23 of the Equality Act 2010 allows for separation by sex providing the same standard of accommodation is provided for both boys and girls.⁸

In sport, girls are obviously disadvantaged if a boy is allowed to compete as a girl because of his gender identity, but nevertheless the Toolkit recommends that a trans-identified boy be treated as a girl in all cases:

Include how trans pupils and students will be supported to participate in PE and physical activity (including swimming) and enabled to access changing facilities where they feel safe and in line with their gender identity if this is their wish. (p18)

⁸ Gender Separation in Mixed Schools, Department for Education (2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719398/Gender-separation-guidance.pdf

Trans pupils and students should be supported to equally access PE and where lessons are segregated by gender should be enabled to participate in the activity which corresponds to their gender identity if this is what they request. (p30)

Trans and gender questioning pupils and students should be permitted to participate in competitions and sports days in a manner consistent with their gender identity if they wish to do so. (p31)

Girls already lag behind boys in terms of sporting opportunities, and therefore do not take up sport with the regularity that boys do. This can have a negative impact on their health and well-being. As part of their Public Sector Equality Duty schools should be working to encourage girls to take up sport more often, rather than discouraging them with an unlevel playing field. There are problems with both fairness and safety for girls competing with boys, especially during and after adolescence. The Toolkit reinforces the wishes of the trans-identified child and does not take into account, or even acknowledge, the wishes or needs of other children.

Parent to school: 'It's not fair that he enters the 100 metres race for girls when he is a boy' or 'Won't she get injured playing rugby with boys?' Underpinning this scenario is the idea that all boys or all girls share the same physical attributes and fails to acknowledge that there is a range of differences in physical strength and ability within single gender groups. Trans boys are boys, not girls, and therefore entitled to play rugby with boys and in consultation with relevant sporting bodies. (p34)

The approach of the Toolkit throughout is that if a girl has a problem with a male child in her changing room or in her chosen sport for example, then she is the one who has to give up and move over and make way for the other child. There is no attempt to balance the rights of two protected categories, and indeed no information at all about the protected category 'sex' in the Equality Act. This is misleading advice for teachers who may be led to believe they have no choice but to discriminate against girls.

Article 3: the best interests of the child

"[T]here may be competing or conflicting human rights interests, for example, between individual children, between different groups of children and between children and adults. The child's interests, however, must be the subject of active consideration; it needs to be demonstrated that children's interests have been explored and taken into account as a primary consideration."

The Toolkit's recommendations may not in fact be in the best interests of the child who identifies as transgender, despite the fact that the supposed needs of trans-identified children are prioritised to the exclusion of all other children. The best interests of the child are completely ignored if that child is a girl:

A whole settings approach is needed to create an environment in which trans members of the community feel equally welcomed and valued. (p17)

Include how pupils and students will be supported to participate in residential trips and to share facilities in line with their gender identity if this is where they feel safe. (p18)

Parent to school: 'My daughter doesn't want a boy changing next to her – what if he looks at her body?' Underpinning this scenario is the idea that a trans girl is not a 'real girl' and this would be something that a whole setting approach would challenge through training and awareness raising. A Human

Rights response would be to state that the child is a girl and as such has the right under the Equality Act to change with the girls and to be treated fairly as such. (p34)

In response to this parental concern, it would not be appropriate to remove the trans pupil from the changing rooms, but to work together with the parent raising a concern and their child to find a different solution. (p34)

Educational settings will want to discuss with trans pupils and students and if appropriate their families which toilet provision they would feel safest using and support them in doing so. (p30)

It is in the best interests of girls to be able to compete in sporting competition on a level playing field and to have single-sex spaces when necessary for privacy, safety and dignity. The Toolkit recommends the removal of all these provisions for girls.

Article 4: the protection of rights

“While it is the State which takes on obligations under the Convention, its task of implementation – of making reality of the human rights of children – needs to engage all sectors of society and, of course, children themselves.”

At present, and under the Equality Act 2010, young people are entitled to single-sex provision in order to protect their right to privacy, dignity and safety. In recommending a blanket policy for trans inclusion, the guidance in this Toolkit could jeopardise those rights. The relevant rights identified are:

- Article 2, the right not to be discriminated against
- Article 3, the right to have all children’s best interests taken into account as a primary consideration
- Article 5, the right for children to have parental support to aid them in exercising their rights, and to have their evolving capacities taken into account
- Article 6, the right to life, survival and development
- Article 12, the right for children to have their views respected
- Article 14, the right for children to have a religious affiliation without this hindering their rights to non-discrimination or privacy
- Article 16, the right to privacy
- Article 18, the right for children to have their parents take primary responsibility for their best interests, and the right of children to have the state assist their parents in fulfilling this responsibility
- Article 28, the right to education
- Article 39, the right to recover from abuse

Article 5: parental guidance and a child's evolving capacities

Parents have responsibilities, in the terms of article 5, to appropriately support **“the exercise by the child of the rights recognized in the present Convention”**

Parents may be denied the opportunity to support their child's rights by the advice in this Toolkit, as it recommends confidentiality for trans-identified children.

Staff should not disclose information that may reveal a pupil or student's trans status to others, including parents, carers and other members of the school community unless legally required to do so or because the child or young person has agreed for the information to be shared. (p29)

Confidential information must not be shared even with the parents and carers without the child or young person's permission unless there are safeguarding reasons for doing so. (p29)

We will take confidentiality seriously and not 'out' a trans child or young person without their permission including to parents and carers. (p46)

The 'social transitioning' of children at school without their parents' knowledge means that the parents are unable to exercise their duty of care. Social transitioning often leads to a decision to take puberty blockers, the safety and reversibility of which has not been proven, and for girls the practice of breast binding, which has known physical side effects and health implications. Normally the proportion of children persisting with a trans identity beyond adolescence is around 20%. However, the recent rise in the number of children undergoing social role transition is associated with increased persistence of childhood gender dysphoria.⁹ Parents need to know if their child is being put on a path which could lead to medication and long-term health implications, as well as potential sterility.

Stressing the need for confidentiality can go against safeguarding advice as set out in Government guidance which recognises that one person alone may not have the expertise required to ensure the child's needs are best met, and that confidentiality is not always in the best interests of the child:

26. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern.¹⁰

There are particular concerns around the treatment of SEND children, who, more than other children, may not have the ability to make life-changing decisions on their own behalf:

Include the statement that SEND pupil or student is just as likely to be trans or gender questioning as any other person and signpost to specific support that will be provided. (p19)

Be aware that some pupils and students, including those with SEND, may not feel the same pressures or awareness of 'fitting in' socially, or may struggle with social empathy about how their families and friends may feel. Once they have 'come out' to one person they may have unrealistic ideas or timeframes about how their journey will progress, and this can leave little time to build a supportive plan, especially if the fixed idea they have in their head 'goes

⁹ Steensma, T. (2013) Factors associated with desistence and persistence of childhood gender dysphoria: a quantitative follow-up study <https://www.ncbi.nlm.nih.gov/pubmed/23702447>

¹⁰ Working Together to Safeguard Children HM Government (2018) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

wrong’ or can’t happen quickly enough. Staff may have to support those with difficulties in imagination to understand the future and their potential journey, as they might only be able to focus on how they are feeling and what needs to change right now. (p24)

Amongst children who identify as transgender there is a significant proportion on the autism spectrum, as well as children with mental health issues and children with backgrounds of abuse. The Tavistock website states: “Adolescents who present with gender dysphoria and cross-gender identification well after the onset of puberty, are more likely to also have significant psychopathology and broader identity confusion than gender identity issues alone.”¹¹ Teachers are not medical experts and should not be advised to facilitate a child’s transition. Parents should be involved with all decisions made around their children if they are to fulfil their responsibilities to act in the best interest of their child.

Parents of other children in the school have a right to assume that normal safeguarding practices are in place when they hand their children over to a school’s ‘in loco parentis’ care. If they are not told, for example, that a trans-identified boy will be sharing overnight accommodation with their daughters on a school trip then they are not equipped to make decisions about their own child’s welfare, and this interferes with their ability to take the responsibility required of them. The Toolkit consistently ignores biological sex in situations where the recognition of it might lead to safeguarding concerns:

Being trans or gender questioning is not a safeguarding concern in itself. (p29)

Ignoring biological sex, or simply re-naming it, does not make it go away. In normal safeguarding practice there is a recognition that single-sex facilities are safer for children than mixed-sex facilities, but in this Toolkit the diagnosis ‘trans’ and the use of the word ‘gender’ are used to obscure what sex means. In this way it sidesteps any safeguarding issues, but fails to make those safeguarding issues disappear. This could potentially put children at risk.

Article 6: life, survival and development

“States Parties shall ensure to the maximum extent possible the survival and development of the child” “Article 6 encompasses all aspects of development”

There is no specific advice in the Toolkit for dealing with a girl who is binding her breasts because she identifies as a boy. Although schools are more likely to have to deal with social transition rather than medical transition, breast binding is one of the exceptions to this. It is a physical modification of the body which can result in serious health risks as well as impacting on the ability to do physical exercise. The health risks of breast binding are well known but effectively minimised in this Toolkit. In a published survey in 2016 over 97% of subjects reported at least one of 28 negative outcomes attributed to binding.¹² The only mention at all in the Toolkit comes in a section about helping SEND pupils, which is particularly worrying. The term ‘chest binding’ is used instead of ‘breast binding’, which again serves to minimise the actual reality of the process of crushing breasts so as to appear flat-chested.

¹¹ Tavistock GIDS Evidence Base <http://gids.nhs.uk/evidence-base>

¹² Peitzmeier, S. et al, Health impact of chest binding among transgender adults: a community-engaged cross-sectional study, PubMed (2016) <https://www.ncbi.nlm.nih.gov/pubmed/27300085>

Be aware of and sensitive to the additional difficulties faced by pupils due to sensory differences, for example they not be able to tolerate wearing chest binders and there may be an emotional impact of this. (p27)

The emotional impact of NOT wearing a binder is given precedence over the physical impact of wearing one. The fact that there is no further advice to teachers on this subject may serve to imply that the practice is completely normal and nothing to be worried about, despite the fact that it has a direct negative impact on the physical development of girls, with implications for their future health. It is a dereliction of duty to mention the practice in passing but provide no further information. This is in stark contrast to the acknowledged importance of alerting schools to the dangers of the comparable procedure of breast ironing.¹³

Advocating a social transition pathway at school for gender-questioning children may encourage the child towards use of puberty blockers to delay puberty. These drugs are used off-label and there is no long-term research to back up their use. Polly Carmichael of the Tavistock clinic admits that they may not be completely reversible. Professor Carl Heneghan of Oxford University was commissioned by BBC Panorama to analyse all recent studies of hormonal treatments for children and adolescents.¹⁴ Professor Heneghan's comprehensive review had the following conclusion:

"The development of these interventions should, therefore, occur in the context of research. Treatments for under 18 gender dysphoric children and adolescents remain largely experimental. There are a large number of unanswered questions that include the age at start, reversibility; adverse events, long term effects on mental health, quality of life, bone mineral density, osteoporosis in later life and cognition. We wonder whether off label use is appropriate and justified for drugs such as spironolactone which can cause substantial harms, including death. We are also ignorant of the long-term safety profiles of the different GAH regimens. The current evidence base does not support informed decision making and safe practice."

The Toolkit however voices none of these concerns, giving medical treatment no more weight than changes in clothes, hairstyles or pronouns.

Be aware that as hormone blockers suspend puberty it may be difficult for a trans child or young person to see their peers developing in the way they feel they should be. For example, a trans boy who is on hormone blockers will not experience his voice breaking like his male peers until he has testosterone treatment. This could cause additional stress and challenges. (p32)

Medical transition is the process by which a trans person takes steps to physically alter their body. This happens under the care of the NHS Tavistock and Portman Gender Identity Development Service (GIDS). This may include:
• Hormone blockers • Hormones (testosterone or oestrogen) • Surgery (not available to young people under the age of 18 in the UK) (p23)

There is a warning of self-harm and suicide in the Toolkit, despite the fact that the evidence has been shown to be flawed¹⁵ and that the Samaritans recommends the avoidance of attributing one single cause to suicide ideation, as this can encourage

13 Breast Ironing awareness 'needed in school' BBC News (2019) <https://www.bbc.co.uk/news/education-47695169>

14 Heneghan, C. Gender Affirming Hormone in Children and Adolescents, British Medical Journal (2019) <https://blogs.bmj.com/bmjebmspotlight/2019/02/25/gender-affirming-hormone-in-children-and-adolescents-evidence-review/>

15 A Scientist Reviews Transgender Suicide Stats Transgender Trend (2016) <https://www.transgendertrend.com/a-scientist-reviews-transgender-suicide-stats/>

social contagion. In addition, in failing to mention that transition has not been shown to reduce this risk, there is an obvious intention to promote one treatment pathway over another. This may not be to the advantage of all children, and may be harmful to some. Teachers are not qualified to make this kind of judgement and it should not be presented as a 'moral imperative'. Furthermore it should not be a teacher's job to 'facilitate these changes at school'. Teachers should not be encouraged or emotionally manipulated to act on behalf of a political lobby group.

Some studies find trans young people to be at an increased risk of self-harm and suicide. Therefore, there is a moral imperative to ensure effective support. (p7)

Some studies find trans young people to be at an increased risk of self-harm and suicide. For example, Pace (2014) and Stonewall's The School Report (2017). (p11)

A child or young person's goals in terms of transition may change over time and the support offered needs to reflect and support this. Once you have an understanding of the areas in which a child or young person is planning to transition, you can think about how to facilitate these changes at school. (p24)

The Toolkit mentions some of the problems trans-identified children may experience, but takes the view that this treatment is inevitable and does not question the medicalisation of healthy children. In labelling all children with gender dysphoria 'trans' the Toolkit implies an unquestionable diagnosis with only one outcome. The omission of any health concerns over the treatment pathway being advocated is misleading, as is the omission of desistance statistics. This does not furnish teachers with all the information they need to facilitate the survival and development of the children in their care.

Article 12: respect for the views of the child

"[E]ducation must be provided in a way that respects the inherent dignity of the child, enables the child to express his or her views freely in accordance with article 12(1) and to participate in school life. ... Compliance with the values recognized in article 29(1) clearly requires that schools be child friendly in the fullest sense of that term and that they be consistent in all respects with the dignity of the child." The state should "[s]trengthen its efforts to promote within the family, schools, and other institutions respect for the views of children, especially girls, and facilitate their participation in all matters affecting them."

The Toolkit shows no respect towards girls or their parents, and the dignity of girls is completely overlooked. Instead of asking girls for their views on sharing toilets, changing rooms and sports with members of the opposite sex, the Toolkit seems to suggest that everyone needs re-educating.

Trans and non-binary inclusive practice requires understanding and challenging long accepted ideas of sex and gender. All members of the school community including parents and carers may need support in developing this understanding. (p7)

No trans pupil or student should be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for changes made to support them. (p7)

All of the matters affecting the inclusion of trans-identifying children in school also affect girls, but nowhere does the Toolkit recommend their participation in the decisions which will affect them, other than a general, non-specific challenging of attitudes which affect everyone. The only other children mentioned specifically are ones who identify as ‘non-binary’ as they too come under the ‘trans umbrella’.

Many cisgender pupils and students can also feel uncomfortable when changing and it is important to ensure that these are safe environments for all by challenging underlying attitudes and bullying behaviours. (p30)

Pupils and students are supported through the Equality Act to access the toilet that corresponds to their gender identity; so trans girls because they are girls, can use the girls’ toilets and trans boys the boys’ toilets. Single gender toilets can however, cause issues for pupils and students who do not identify with a gender binary such as boy / girl. (p30)

Nowhere in the Equality Act does it say that children should use toilets according to their ‘gender identity’. This is misleading advice intended to prioritise the trans child. The EHRC Technical Guidance for Schools in England¹⁶ applies to the provisions in the Equality Act 2010 and gives this example:

A school fails to provide appropriate changing facilities for a transsexual pupil and insists that the pupil uses the boys’ changing room even though she is now living as a girl. This could be indirect gender reassignment discrimination unless it can be objectively justified. A suitable alternative might be to allow the pupil to use private changing facilities, such as the staff changing room or another suitable space.

In this example it is clear that the rights of girls to single-sex spaces need not be compromised by the provisions for a transgender child, and it demonstrates a way to be fair to all children and to take all needs into account. The advice in the Toolkit does not reflect this, despite the fact that the law as it stands says that ‘trans boys’ are legally as well as biologically female, and ‘trans girls’ are legally as well as biologically male. (A legal change of sex has to be facilitated by the issue of a Gender Recognition Certificate, which is only available to adults over the age of 18).¹⁷ Girls are specifically discouraged from asserting their rights or expressing their opinions, by the method of shaming them and/or their parents for ‘outdated’ attitudes which need re-education. The suggestion is that these attitudes actively harm trans people: girls are therefore made responsible for other children’s feelings whilst not being allowed to express their own.

It is important to remember that while trans and gender questioning children and young people may face problems in some areas of their lives, many of these problems are not caused by being trans but by society’s attitude towards people who are trans or do not conform to gender norms. (p11)

Some trans pupils and students will need support in developing scripts and responses to questions they may be asked about their transition. This may include phrases such as ‘It’s none of your business...’ ‘I have always been a boy / girl’. ‘Non-binary means...’ (p24)

16 EHRC Technical Guidance for Schools in England https://www.equalityhumanrights.com/sites/default/files/technical_guidance_for_schools_england.pdf?fbclid=IwAR1WS3QsoQffi7R5Ob_eAGYgpebzLmHnb4o-vLohw7hZFzujPKbRxQjU3Cw

17 Our Statement on Sex and Gender Reassignment EHRC (2018) https://www.equalityhumanrights.com/en/our-work/news/our-statement-sex-and-gender-reassignment-legal-protections-and-language?fbclid=IwAR2mSN_zesiXSg4Qat4VW6_IEMMN6eZsrT-pXtLABTeX2ysi464xiSLInE

This kind of support acknowledges that some individuals may struggle to understand trans* people or initially feel uncomfortable around them, but does not support the idea that trans* people should be treated any differently to cisgendered people. The responsibility lies with the individual who has the problem to deal with that problem, not with the trans* person to accommodate for that person's insecurity around them or their child. (p30, 2014 ed)

There is no respect shown anywhere in this Toolkit for the views of any child who is not identified as transgender. Instead there is an active attempt to minimise, belittle and shame these children out of having any opinions of their own, including those around their own comfort and safety. Genuine concerns are repackaged as 'problems' and 'insecurities' or a 'lack of understanding'. This is the very opposite of teaching girls to stand up for their rights and respect their own boundaries.

Article 14: freedom of thought, conscience and religion

"The Committee recommends that the State Party ensure that a child's religious affiliation, or lack of one, in no way hinders respect for the child's rights, including the right to non-discrimination and to privacy."

The Toolkit does not take into account the rights of a child who is prevented by religious beliefs from sharing changing rooms and sleeping accommodation with someone of the opposite sex. There is no mention anywhere in the Toolkit of a potential conflict of rights, nor how this should be handled.

Freedom of thought and conscience is actively discouraged. New ideological theories are presented as facts which are irrefutable, and biological reality is misrepresented to support the new theories:

Underpinning this scenario is the idea that a trans girl is not a 'real girl' and this would be something that a whole setting approach would challenge through training and awareness raising. (P34)

In labelling the genitals make it clear that most rather than all boys have a penis and testicles and most rather than all girls have a vulva and vagina (p22)

To promote these controversial political views as fact would be in breach of the terms of the Education Act 1996¹⁸

The Education Act 1996

406 Political indoctrination

- (1) The local education authority, governing body and head teacher shall forbid —**
- (a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and**
 - (b) the promotion of partisan political views in the teaching of any subject in the school.**

¹⁸ The Education Act 1996 406 Political Indoctrination
<https://www.legislation.gov.uk/ukpga/1996/56/section/406>

If parents do not subscribe to this new ideology, their freedom of thought and belief is overlooked, and instead it is suggested that they must be taught the new ideas by the group which has written the Toolkit:

Allsorts Youth Project can provide advice to educational settings about how to work with parents and carers; including those who are requesting the school does not support their child to express their gender identity. (p29)

It is understandable that some parents and carers will struggle with their child questioning their gender identity and it may be a long process to become more accepting of this change. This challenge should be acknowledged as difficult and parents and carers can be referred to Allsorts Youth Project for support. (p35)

Article 16: the right to privacy

“Article 16 requires that the child’s right to privacy is protected by law. Hence, in institutions there should be minimum requirements on space, including private space, design of toilets and bathrooms, and so on.”

The provision of single-sex facilities, as required by the Department of Education guidance for children above the age of eight years, is compromised by an insistence on using ‘gender identity’ rather than sex as a differentiation between boys and girls. Girls can no longer rely on the privacy afforded by single-sex toilets and changing rooms if a boy who identifies as a girl can use them too. The Toolkit asks girls to essentially believe what is an invisible feeling in a boy’s head rather than their own experience of material reality. When confronted with a male body in a changing room the girl must assume the identity of the male body is female. This has obvious implications, not just for privacy, but for safety too.

A Human Rights response would be to state that although the individual in question may have the body of a boy, they are in every other respect a girl and as such have the right under the Equality Act to change with the girls and to be treated fairly as such. (p30 2014 ed)

This is not a ‘Human Rights’ response and it is not in the Equality Act, but teachers are being misled into thinking they have no choice but to follow this advice. Girls particularly need privacy as they grow up and go through puberty. The biological sex differences between girls and boys should not be ignored in favour of trans inclusion as this can directly lead to inequality for girls. The embarrassment of starting to menstruate has been shown to be an inhibiting factor in girls’ attendance at school.¹⁹

Privacy for all children should be seen as a right, but there is more reason for girls to be prioritised, especially in areas where it is necessary to be undressed or partly undressed. Single-sex facilities have been shown to be safer for women and girls.²⁰ The level of sexual abuse and harassment experienced by girls in our society is alarmingly high, and is happening in schools as well as in wider society. Child-on-child sexual assault is increasingly being reported, and this overwhelmingly means assaults by boys on girls. Girls need protection where they are most vulnerable.²¹

¹⁹ Nine in Ten Girls fear ‘Period Shaming’ TES (2018)

<https://www.tes.com/news/nine-ten-girls-fear-period-shaming>

²⁰ Unisex Changing Rooms put Women in Danger of Sexual Assault, data reveals Independent (2018)

<https://www.independent.co.uk/life-style/women/sexual-assault-unisex-changing-rooms-sunday-times-women-risk-a8519086.html>

²¹ Child-on-Child Sex offence Reports ‘Tip of the Iceberg’ BBC News (2017)

<https://www.bbc.co.uk/news/uk-41504571>

Article 18: parental responsibilities and state assistance

“[P]arents have primary responsibility for securing the best interests of the child as their ‘basic concern’ ... The State must take appropriate steps to assist parents in fulfilling their responsibilities”

Parents cannot fulfil their responsibilities for securing the best interests of their children if action taken at school remains confidential. As set out in Article 5 above, parents are sidelined by the advice in this Toolkit, and this has implications for both trans-identified children and all other children in the school. Far from being assisted, parents are positively hindered by the advice in this Toolkit. Parental concerns are dealt with by challenging their beliefs and re-educating, rather than listening and acting in a collaborative way to ensure the best interests of every child.

It is important to note that this Toolkit is intended for use in both primary and secondary schools, and therefore could apply to children as young as four, as well as older teenagers. Parental responsibility is obviously more important and more necessary for younger children, but there is no differentiation in the Toolkit between different age groups.

Article 28: the right to education

On a broad level, girls may be discriminated against in their right to an education by the removal of their safe spaces such as toilets and changing rooms, as set out in Article 2 above.

On a more practical level, the promotion of gender ideology in this Toolkit affects the teaching of other subjects in the school curriculum, particularly science and biology. Children have a right to learn facts, rather than ideology, but this right is being ignored in favour of ‘inclusivity’. There is no scientific evidence that all human beings have an innate ‘gender identity’ but children are asked to see this as fact. Gender is conflated with sex in the Toolkit, but treated separately when it is expedient, therefore intentionally muddying the waters and hindering a child’s understanding of physical sex. For example the phrase ‘single gender work’ is used when what is meant is ‘single-sex work’ and the language of sex is used (‘male’ and ‘female’) when talking about gender. Gender identity itself is variously described as innate OR a social construct, when it clearly cannot be both. Unscientific claims are presented as fact, such as ‘sex assigned at birth’, which suggests that sex is a matter of choice rather than material reality.

Gender identity is complicated and multi-faceted, and can be best understood as being a spectrum rather than necessarily needing to be a binary choice between male or female. (p6)

Be ready to see gender as a spectrum that is broader than male and female (p7)

Gender is considered to be a social construct in that children learn how to behave in a manner deemed to be in line with their assigned sex. This social construct includes the way gender can be expressed through roles, clothing and activities. (p10)

In general, staff should think carefully about the language they use and when possible attempt to use language which does not reinforce a binary approach to gender (eg there are just males and females). Using ‘they’ as a pronoun or the term ‘all genders’ are examples of inclusive language. (p20)

There may be times when single gender work is needed. This may include aspects of relationship and sex education or to support the learning needs of particular groups (eg boys and literacy). Providing a clear need is identified, the Equality Act allows for such provision. (p22)

It is instructive to note that when 'single gender work' (sic) is finally recognised as sometimes necessary, the example chosen is one relating to boys, not girls. It backs up the general picture in this Toolkit, which minimises to the point of invisibility the particular needs of girls. There are in practice more single-sex exemptions relating to girls than boys, in order to redress the balance of societal sex inequalities, but to mention these would be to alert teachers to the rights of girls, and this the Toolkit tries to avoid. It appears that the authors do not want the smallest amount of sympathy for girls to influence teachers, in case this reduces empathy for trans-identified children. The treatment of girls in the Toolkit is consistently callous for this reason. It is particularly notable that this example is the only admission in the whole document that the Equality Act allows for some single-sex exemptions: this fact is comprehensively ignored in the particular instances when exemptions for girls are allowed, such as in the provision of toilets and changing rooms.

The Glossary of Terms contains examples of where ideology has been allowed to supersede reality and could be seen to provide children with indoctrination under the guise of education.

Gender fluid - describes a person who does not identify as solely a man / boy or woman / girl, but may feel more like a combination of, or move between the gender binary. Gender fluid people may feel that their identity is more complex than an 'either or' choice. They may feel like neither, both, or move between the two as they feel comfortable. (p38)

Genderqueer - a gender diverse person whose gender identity is neither male nor female, is between or beyond genders, or a combination of male and female. For some this is also a political statement and a rejection of the rigidity of gender norms and the need to identify at all. (p38)

Non-binary - umbrella term for a person who does not identify as (solely) male or (solely) female. Non-binary people may identify as both male and female, neither male nor female, or as another gender identity. This group are under the trans umbrella but may not consider themselves trans. (p39)

Whilst it is important to celebrate difference and diversity, and to take seriously children's own views of themselves, it is a different matter when ideas and theories are presented as fact. Clearly, whatever the above examples show about differing personalities, there are only two sexes and virtually all children will fall into one group or the other. This remains an important part of a child's education on ethical grounds, as well as having an impact on real-life situations. In a Toolkit which advocates that children always use the facilities they 'identify' with, it is to be assumed according to the glossary terms above, that a boy who feels more girly one day and more like a boy the next, can keep flipping between one toilet and the other, ignoring the feelings of the girls affected.

There is a misrepresentation of intersex conditions in the Toolkit, as if to suggest that intersex means a third sex or a mixture of sexes. Intersex people themselves now prefer the use of acronyms such as DSD (differences in sexual development) or VSF (variations in sexual features) to make it clear that they are in fact either male or female, not a mixture of the two.

Currently this guidance does not specifically address the needs of intersex children and young people. However, it is likely that some of the good practice discussed will be supportive to this group. (p7)

When considering trans identities, it is important to understand that there is a difference between the sex assigned at birth (natal sex) and gender identity. Assigned (natal) sex refers to chromosomal make up, genitalia, hormones etc. and as such would be used in reference to the physical anatomy of a person (for example, male, female or intersex). (p8)

Intersex – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female bodies. Intersex people can identify as male, female or nonbinary. Intersex people may undergo elements of transition. (p9)

Start any teaching around puberty and bodies by highlighting that all people's bodies and genitals are different and that there will be a diverse range of responses to puberty (this will also be supportive to intersex pupils and students) (p22)

Intersex advocacy groups have expressed their concern that a misunderstanding of the range of conditions which make up the intersex category is being used to suggest there may be a biological underpinning to transgender ideology, when the two things are completely unrelated.²² This only serves to increase misunderstanding of intersex people, and of sexual dimorphism, and it should not be taught as fact in school.

Article 39: recovery from abuse

“Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.”

There are two important aspects to consider regarding children who have been subject to abuse. The first is that victims of past abuse are over-represented in the cohort of children identifying as trans, but the affirmation of trans identities in this Toolkit serves to cover up any past trauma. In fact, addressing co-morbidities at all is seen by transgender advocacy groups as a kind of conversion therapy, and so nowhere in this Toolkit does it even get a mention. This will hinder any recovery from abuse, as the subject will remain unaddressed. A trans identity can be used to mask underlying problems.

Secondly, the confusion around sex, bodies and gender, deliberately employed by the Toolkit in order to foster trans inclusion, is in itself dangerous for the child who needs to be clear about definitions and boundaries when recognising and exposing abuse. It is particularly dangerous for girls, who are being taught that their boundaries don't matter because being a girl is nothing to do with sexed bodies. The ability of the child to protect themselves from abuse, and even to recognise it in the first place, is compromised by the teaching that 'all bodies are different,' that a male-bodied person can be a girl and that genitals do not determine sex.

22 What's the difference between being transgender or transsexual and having an intersex condition? (undated) Intersex Society of North America <http://www.isna.org/faq/transgender>

In labelling the genitals make it clear that most rather than all boys have a penis and testicles and most rather than all girls have a vulva and vagina (p22)

A Human Rights response would be to state that although the individual in question may have the body of a boy, they are in every other respect a girl and as such have the right under the Equality Act to change with the girls and to be treated fairly as such. (p30 2014 ed)

Children may be put at risk if they are forbidden from asserting their own boundaries when considering with whom they wish to get undressed, and also if they are dissuaded from correctly naming the two sexes, or the body parts exclusive to either sex. Schools must be alert to the fact that girls who have suffered previous sexual abuse may be re-traumatised if they encounter a male pupil in their toilets or changing-rooms, whatever his gender identity.

6. What is the impact of the policy/legislation on the four general UNCRC principles?

See above – Articles 2,3,6 and 12

7. Referring back to Question 3, are specific groups of children and young people more likely to be affected? If so, are there different impacts for the different groups of children and young people? Please provide supporting evidence highlighting the impacts this will have on the children and young people.

Yes, girls and young women are more likely to be affected , as set out in Article 2 above. Also some religious groups are more likely to be affected as set out in Article 14 above.

Young people on the autism spectrum, those with existing mental health problems and those with histories of abuse are more likely to identify as transgender. The affirmation-only approach of this Toolkit will adversely affect the likelihood of any of these existing conditions being treated in a way which best serves the interest of the child. A trans-identification sets a child on a pathway which can lead to the suppression of normal puberty through the use of hormones which have not been proven to be safe.²³ This cohort of particularly vulnerable children can be particularly impacted by the ideology behind the advice in this Toolkit.

The other group which may be affected by the advice in this Toolkit are children who are homosexual. When sex is delegitimised in favour of gender identity, then same-sex attraction is also marginalised. The definitions of sexual orientation in this Toolkit deliberately steer clear of any mention of sex.

Bisexual - refers to a person who is romantically, emotionally and / or sexually orientated towards people of more than one gender. (p38)

Gay - refers to a person who has an emotional, romantic and/or sexual orientation towards someone of the same gender. Both men and women may use this term to describe their sexual orientation. (p38)

²³ Suppressing Puberty by GnRH: Unresolved Concerns Meyer-Bahlburg H. Et al (2019) https://epath2019.exordo.com/programme/presentation/251?fbclid=IwAR2eZ6ColastXcIKAGiPC0qGsU0c1EbjcQ3UUQ1-7J-Cx3XpzQ4ZD8Xra_Bc

Homosexual - this is considered by many to be a more medical term used to describe someone who has an emotional, romantic and or sexual orientation towards someone of the same gender. The term 'gay' is now more generally used. (p39)

Lesbian - refers to a woman who has an emotional, romantic and / or sexual orientation towards women. (p39)

The use of the word 'gender' instead of 'sex' suggests that sexual attraction is towards a gender, and to be trans-inclusive, gender can include both sexes. If lesbian is defined as 'sexual orientation towards women' and 'women' in this Toolkit includes 'transwomen' then the meaning of lesbian has been changed and is no longer a same-sex orientation. Considering the levels of homophobia in schools, as in wider society, this can be seen to be another pressure to hide a homosexual orientation, or to internalise homophobia. There is an increasing recognition of the impact on lesbians²⁴ in particular, and there is growing opinion that in some cases a trans identity can be used as a kind of conversion therapy for gay children. The trans ideology espoused by the Toolkit in some cases adds to the message that it is not right to be attracted to only one sex, as this is not 'inclusive' enough. The very word 'homosexual' in this glossary has been demoted to an out-of date medical term in order to reinforce the message that the new terminology is now preferred.

Gender non-conforming children in general are poorly served by the ideology which underpins this Toolkit. In the absence of sex as a marker children are being asked to assess their 'gender identity' according to stereotypes of masculinity and femininity. A girl who likes typically male activities, hairstyles, clothes etc is no longer classed as a tomboy but is encouraged to believe she may have a male 'gender identity'. Rather than challenging sex stereotypes this Toolkit reifies and reinforces them, and this is detrimental and limiting for both boys and girls.

8. What other evidence is there to support your assessment of the impact on children's rights?

There is increasing evidence from around the world that where a trans-inclusive approach has been allowed to supersede the rights of girls, it has resulted in protests from children and their parents.²⁵

Similar trans toolkits to this one have been withdrawn pending further investigation.²⁶

Trans-inclusive policies have resulted in the provision of mixed-sex facilities without consultation with parents or pupils first.²⁷

The affect of transgender ideology on young people who are homosexual has begun to be recognised. Prioritising the trans child has inadvertently in some cases led to an increase of internalised homophobia. It may be seen as cooler to be a 'trans guy' than a lesbian for example.²⁸

24 Lesbians at Ground Zero Get the L out (2019) <http://www.gettheloutuk.com/blog/category/research/lesbians-at-ground-zero.html>

25 Transgender Rights Clash prompts Walkout at CB Abraham Lincoln High 6 News (2019) <https://www.wowt.com/content/news/Transgender-rights-clash-prompts-walkout-at-CB-Abraham-Lincoln-High-508449271.html>

26 Transgender Booklet suspended in Warwickshire Schools Coventry Live (2019) https://www.coventrytelegraph.net/news/coventry-news/transgender-booklet-schools-trans-toolkit-16107858?fbclid=IwAR2AE8ISuYGLcmqI_eusDqaA5B0kIMR56e3PzIjyGUUuCr7I1tMBG7HyOCgR2ZiEmJMpU5aDZJWOWcUPoBgV1irlcYXqwcwSciZASdWTzQ8ofQxgrLAE

27 Parents angry at Primary School's plans for 'Gender Neutral Toilets' The Argus (2019) https://www.theargus.co.uk/news/17562858.parents-angry-at-primary-schools-plans-for-gender-neutral-toilets/?ref=fbshr&fbclid=IwAR2AE8ISuYGLcmqI_eusDqaA5B0kIMR56e3PzIjyGUUuCr7I1tMBG7HyOCg

28 It feels like Conversion Therapy for Gay Children, say Clinicians The Times (2019) https://www.thetimes.co.uk/article/it-feels-like-conversion-therapy-for-gay-children-say-clinicians-pvsckdvq2?fbclid=IwAR0DFrXYB14L3irC XoxOyYsO66AcfXA_rOYC5RsB34gqfiAVoKPCJaU1GSs

Young children can be confused by the teaching of trans ideology. Anecdotally and on social media parents are reporting instances of children who are confused by the teaching they have received, and who are no longer sure whether they are a boy or a girl. The younger the child the more 'magical' the thinking, and this can lead to a child believing that it is really possible to change sex. The true facts of invasive medical treatment and its effects on the body have been omitted in this Toolkit, so children can easily be misled as to the possibilities.

The increase in the number of girls identifying as trans is unprecedented and has been worrying enough to prompt a government inquiry.²⁹ There are instances of clusters of girls in the same school identifying as boys, suggesting an aspect of social contagion which has not yet properly been addressed.³⁰

At the same time there has been a well-documented crisis in girls' mental health³¹ which suggests there may be as yet unidentified reasons for the rise in the number of girls rejecting womanhood. Gender ideology removes these girls from the research pool, by classifying them as 'trans boys', which further compromises the chances of identifying any underlying problems.

9. Have you made any modifications to the policy/legislation to address any negative impacts (whether on children generally or on specific groups of children)? If no modifications have been made, what barriers exist to doing so?

There has been a refusal to make any changes to the Toolkit from the Equalities Department of Brighton Council, despite several communications detailing the discrimination and misreading of the Equality Act. There has been a refusal to do an impact assessment and a refusal to take on board any criticism. The Council has made it quite clear in written communication that they take the view that 'trans girls are girls' and therefore there is no argument to be had.

10. Are there any alternative options to the proposal being considered? What would their projected impacts on children's rights be? Please identify any associated resource implications.

Yes, a toolkit has been produced by Transgender Trend.³² It sets out the responsibilities of teachers to adhere to the Equality Act and to consider the needs of gender non-conforming and trans-identified children whilst not neglecting the rights and needs of all other children, especially girls. The impact of this toolkit would be to foster equality and good relations between all children.

29 Minister orders Inquiry into 4,000 per cent increase in Children wanting to change Sex The Telegraph (2019) <https://www.telegraph.co.uk/politics/2018/09/16/minister-orders-inquiry-4000-per-cent-rise-children-wanting/>

30 Top London Girls School allows Pupils to identify as Male or Gender Neutral Independent (2017) <https://www.independent.co.uk/news/education/education-news/london-school-girl-pupils-gender-neutral-identify-male-st-pauls-public-school-a7589701.html>

31 Self-harm among girls aged 13-16 rose by 68% in Three Years, UK Study finds The Guardian (2017) https://www.theguardian.com/society/2017/oct/18/self-harm-girls-aged-13-to-16-rose-68pc-three-years?CMP=share_btn_fb

32 Supporting Gender Non-conforming and Trans-identified Students in Schools <https://www.transgendertrend.com/wp-content/uploads/2018/02/Transgender-Trend-Resource-Pack-for-Schools.pdf>

11. Does your policy/legislation address any of the recommendations put forward by the UN Committee on the Rights of the Child in its Concluding Observations on the UK?

No

12. Has there been any public or stakeholder consultation on the policy/legislation? If yes, how have the public/stakeholders responded.? Please provide evidence.

There has been consultation with the trans community but no other stakeholders.

13. What steps have been taken to directly or indirectly gather the views of children and young people and how have you taken their views into account?

The views of trans-identified children and young people have helped to inform this Toolkit.

This toolkit has been written by Allsorts Youth Project and Brighton & Hove City Council in consultation with trans children and young people and their families. (p5)

There have been no steps taken to hear the views of any other stakeholders such as parents, children and young people who are not trans, or religious groups.

Stage 3 – Summary and monitoring

14. Record your overall conclusions from the CRIA In your summary, please make clear:

- whether the policy/legislation will overall have a positive/negative impact on children's rights
- the UNCRC articles/principles it will affect and briefly summarise how

The Toolkit asserts that a child's 'gender identity' must be the deciding factor in decisions, rather than their sex. The implications of this affect the trans-identified child as well as the other children in the school. It is recognised by professionals, such as those at the Tavistock Clinic, that a child's gender identity may change, indeed the statistics show that around 80% of children who identify as the opposite sex will become reconciled to their natal sex by adolescence. Therefore a method of 'watchful waiting' is recommended by the clinic, whereby children are given the space and time to explore their identity rather than be immediately affirmed in the preferred gender of the moment. The Toolkit by contrast, asserts that the preferred gender be affirmed in every situation, thereby 'fixing' a state which may otherwise

be temporary. It has been shown that this 'social transition' leads more children onto a path of puberty blockers followed by cross-sex hormones, treatment for which there is no adequate evidence base, and which has attracted some recent controversy.³³

There is increasing evidence of what has been termed Rapid Onset Gender Dysphoria (ROGD)³⁴ particularly amongst teenage girls, and often in friendship groups. A cross-sex identity is expressed very suddenly with no prior warning signs in childhood of any kind of gender dysphoria. This Toolkit has been available in schools since 2014 so there are pupils who have grown up with the view of sex and gender expounded within it, and it may have influenced these children to have unrealistic expectations about the biological possibility of changing sex³⁵. There are many reasons why girls may feel anxious about approaching womanhood (the pressures of social media and online porn for example) and it is not so surprising that some of them may be looking for a way out. This Toolkit, with its insistence on mantras such as 'trans boys are boys', may have had a contributing effect on the rise of the number of girls identifying as trans.

This toolkit was first published in 2014 and disseminated to Brighton & Hove educational settings who found it useful to inform practice and to support trans and gender questioning pupils and students in their communities. (p4)

Since 2014 there has been an increase in children and young people coming out as trans and non-binary and an increase in different ways that young people self-identify in terms of gender. (p4)

Many of these young people will be suffering from other underlying problems and will be amongst the most vulnerable pupils in the school. In a study linked on the Tavistock website: "Natal girls were markedly overrepresented among applicants. Severe psychopathology preceding onset of gender dysphoria was common. Autism spectrum problems were very common."³⁶

There is growing evidence that a trans identification can sometimes be mistaken. The number of accounts from detransitioners is rising, and their stories are sobering.³⁷ The effect of testosterone on female bodies is not fully reversible and these young women are left with increased body hair and deeper voices. Double mastectomies are also irreversible. Schools should not be influenced by political lobby groups to take this sort of risk with young people's health and well being. It can have an adverse effect on a child's best interests and their right to life, survival and development.

Regarding other children in the school, the effect of the ideology prescribed in the Toolkit can be serious and lead to discrimination, especially against girls. When a male child is allowed to use facilities reserved for girls, based on his 'gender identity', girls lose their single-sex spaces. This can have an impact on the provision of toilets, changing rooms and overnight accommodation, where girls should expect to have dignity, privacy and safety, away from members of the opposite sex.

33 Calls to end Transgender 'Experiment on Children' The Times (2019)

<https://www.thetimes.co.uk/article/calls-to-end-transgender-experiment-on-children-k792rfj7d>

34 Littman L (2018) Parent Reports of Adolescents and Young Adults perceived to show signs of a rapid onset of gender dysphoria <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>

35 Dorothy Stringer School has 40 Children who don't identify with their Gender Brighton Argus (2018) <https://www.theargus.co.uk/news/17255829.dorothy-stringer-school-has-40-children-who-dont-identify-with-their-gender/>

36 Kaltiala-Heino, R. et al, Two Years of gender identity service for minors: overrepresentation of natal girls with severe problems in adolescent development, BMC Journal (2015) <https://capmh.biomedcentral.com/articles/10.1186/s13034-015-0042-y>

37 Female detransition and reidentification survey (2016) Guide on Raging Stars blog <http://guideonragingstars.tumblr.com/post/149877706175/female-detransition-and-reidentification-survey>

Considering the level of sexual harassment³⁸ experienced by girls in school, this could ultimately impact on a girl's right to education.

There is also an impact on sports if a male child who identifies as a girl is allowed to compete against girls. Safety and fairness are affected if a larger, stronger, male-bodied child is allowed to compete as a girl. The toolkit ignores the rights of girls to have fair competition and a level playing field, in favour of the rights of the trans-identified child to compete. This can lead to discrimination against girls.

In order to facilitate the perceived rights of the trans-identified child, all other children are required to believe and to express a belief which is not grounded in material reality, and which contradicts other learning in schools such as science and biology. Deviating from this belief system is presented as transphobic, thus denying children the right to their own thoughts and beliefs.

The definition of what Transgender means, for example, lists the following:

- transgender • gender queer • gender fluid • non-binary • both male and female (this may be at the same time or over time) • neither male or female
- a third gender • or who have a gender identity which we do not yet have words to describe. (p8)

This is presented as fact, but it is not rooted in evidence, research or indeed reality. Human beings are sexually dimorphic: it is impossible to change sex, be both sexes at once or neither, or be a mythical third sex. This is just biology, not bigotry. There is no evidence that we all have a 'gender identity' but children are being taught that they do. It is worrying that something which is essentially an 'idea' is being promoted by political lobby groups with no expertise in biology, child development, health, education or safeguarding.

Given the prevalence of bullying of trans and gender questioning pupils, learning about gender identity should be considered under this obligation. (p16)

Like any faith position, gender ideology can be explained to children without having to convert them to a set of beliefs, and respect for differences can be taught without insisting on collusion in somebody else's reality. Instead of discussion and respect for everyone's beliefs, there is repetition of an ideological mantra which is used to forestall any complaints:

Remember that a pupil who identifies as a girl but was assigned male at birth is not a 'boy dressed as a girl' but is a girl. (p27)

The right to belief and conscience is impacted when children are sanctioned for using the 'wrong' language, when this language is anatomically correct. A belief system which has no basis in material reality should not be enforced in schools, although tolerance for those who hold these beliefs should of course be taught as part of an anti-bullying policy. The Toolkit refuses to allow children to hold their own beliefs, or to develop critical thinking skills, in favour of a kind of indoctrination. This does not foster good relations between children who have different protected characteristics, and in some cases actually encourages bullying behaviour towards children who do not identify as transgender and do not believe that human beings can change sex: a belief they should be perfectly entitled to hold.

³⁸ Commons Select Committee (2016): 'Widespread' sexual harassment and violence in schools must be tackled <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/sexual-harassment-and-violence-in-schools-report-published-16-17/>

As well as being anti-science the Toolkit is also anti-feminist. By placing 'gender' as an innate feeling inside and using the term 'cisgender' to describe children who are not trans, the Toolkit positions the vast majority of children as choosing to align themselves with gendered stereotypes, with only two choices of how 'to be'. The only way to escape gendered norms, according to this theory, is to identify as trans. Many children, girls in particular, wish to escape the restrictions gender places on them: who would choose to be one-dimensional, gender-conforming 'cisgendered'?

Cisgender (person) - someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people. (p38)

A feminist theory of gender gives children much more agency. Feminists see gender as a social construct which is imposed from the outside and differs according to sex. This creates a hierarchy which places masculine as superior to feminine and females subordinate to males. When this hierarchy is rigidly enforced (through books, toys, clothes etc) it limits the choices for both boys and girls, but it is particularly limiting for girls and forms the basis of sexism. Feminist teaching in schools would provide girls (and boys too) the tools they need to break out of restrictive stereotyped roles by challenging society's imposition of them. The gender ideology espoused in this Toolkit by contrast, puts children firmly back in their pink and blue boxes by placing 'gender' as an innate identity inside them, and moreover tells them it is their own choice if they are 'cisgendered'. 'Cis' girls therefore apparently identify with their own subordination, and sexism is a natural by-product. In this theory, if your innate 'gender identity' is in contrast to your biological sex your choice is to be labelled transgender. This actually does the opposite of challenging gender stereotypes because the result is that a gender non-conforming boy (possibly gay) is simply renamed as a (now gender-conforming) girl (probably straight).

There is no valid reason why transgender ideology should be taught in schools rather than feminist gender theory, which has decades' worth of academic study and analysis behind it, plenty of evidence out in the real world (such as the contrast between media representations of the two sexes), and as a bonus may help to empower girls in a sexist society. The ideas and terminology expressed in the Toolkit rob girls of the language and conceptual framework with which to combat sexism. If sex is subsumed to 'gender' then sexism cannot be recognised or named. The scope of the ideology in this Toolkit goes way beyond anything which is needed to combat bullying or foster inclusion in schools. The Toolkit teaches ideas which are regressive and which negatively impact on equality for girls. In conclusion, the promotion of an unquestionable political ideology in schools, which has repercussions for all children but does not take into account the needs of all children, is dangerous and discriminatory.

- what the next steps are e.g. how will you feed in the results of the CRIA into your policy/legislation?

The next steps will be to publicise the results of this CRIA and petition the authorities to remove the Toolkit while further inquiries are carried out. The aim is to encourage schools to look critically at any advice they are expected to use which has been produced by lobby groups rather than medical or educational professionals. A further aim is to reinstate and reinforce the rights of girls, who continue to be disadvantaged and discriminated against in school.³⁹

³⁹ "It's Just Everywhere" A Study on Sexism in Schools – and how we tackle it NEU and UK Feminista (2017) <https://ukfeminista.org.uk/wp-content/uploads/2017/12/Report-Its-just-everywhere.pdf>

what have you done and/ or will do to remove or mitigate any negative impact on children's rights both generally and on particular groups.

We will continue to campaign for the rights of all children, and girls in particular, to be considered in all schools guidance.

15. How will the policy's/legislation's impact be monitored?

- If the impacts are negative and therefore potentially contrary to the UNCRC, the Government may be asked to report on these to the UN Committee on the Rights of the Child.
- How will you engage with stakeholders, including children and young people, to monitor and evaluate the delivery and impact of the policy? - Such monitoring and evaluation should particularly keep under review any negative impacts on children's rights which it was decided could not be avoided and whether any mitigation measures are proving effective or could be improved to further reduce the negative impact.

We will ask the relevant authorities to monitor and evaluate the impact of the Toolkit.

This document was compiled using the UK government DfE Child's Rights Impact Assessment template.⁴⁰

[transgendertrend.com](http://www.transgendertrend.com)

⁴⁰ http://clientarea.skillset.co.uk/DfE/Childrens%20Rights_v0.3%20-%20Storyline%20output/story_content/external_files/CRIA%20template.pdf?fbclid=IwAR3PspjZNTjs0czs1UroryDUL6LERLCT9IjTXQjTrbN4WBZRIUIPr0y2oU



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