Chris Long,

Chief Crown Prosecutor and CPS national lead on hate crime,

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Dear Mr Long,

**I am writing about the recently launched ‘LGBT Bullying and Hate Crime Schools Project: Classroom activities and guidance for teachers’**

This is stated to be for key stages 3 and 4 – i.e. children aged 11-16.

As a [parent / grandparent / teacher / governor], I am very concerned about this guidance. I agree that no child should be bullied for any reason, but the parts of this guidance which relate to trans-identified students seem to be an attempt to force children to accept a particular belief system with the threat of legal consequences.

Some of the most concerning aspects of this guidance are:

* The use of contentious definitions which promote an ideology. Contrary to claims made in the guidance neither sex nor gender is assigned at birth. Sex is determined at conception then observed and recorded at birth.
* The repeated use of ‘transphobic incident’ even though there is no statutory definition of this phrase. A transphobic hate incident is defined here as being ‘“Any incident which is perceived to be… transphobic by the victim, or by any other person.’ This could mean that a child who states biological facts – such as that humans can’t change sex – could be defined as causing a hate incident, if even one other student finds this view offensive.
* The erosion of girls’ rights. It seems apparent that Activity 3.5 “Toilet choice” is an attempt to coerce teenagers into believing it is likely to be illegal to exclude males from female toilets. It is suggested that the girls who say “what’s he doing in here? It’s the girls’ toilets” are ridiculing the trans student and therefore displaying transphobia, instead of asserting their right to single-sex spaces. This is enormously worrying and harmful. There is a legal right to single sex facilities, which is more important than ever given the high levels of sexual harassment and assault taking place in schools. Girls may be left in fear of criminal charges if they object to female toilets becoming open to male-bodied people.
* The long list of behaviours on page 25 that are suggested as hate crimes / incidents, and without any clarity over which is which, or what would make them ‘anti-LGBT’. The behaviours listed include ‘wearing anti-LGBT+ badges or symbols’ and ‘showing or distributing anti-LGBT+ leaflets, comics or other propaganda’. Again this could mean that wearing slogans or sharing information with others that recognises biological facts may be treated as a hate crime or incident.
* The creation of a ‘hierarchy of rights’ that places LGBT+ at the top. On page 33 it lists a number of differences that it claims are ‘over and above’ other bullying. These differences however seem to be common in many bullying situations regardless of the reason for the bullying, e.g. ‘people can suffer from cruel innuendo campaigns’. This would seem to be unlawful as it discriminates against other characteristics protected by the Equality Act, such as race, sex and disability. Surely schools should be developing robust policies against bullying which apply to all children, not attempting to set up one minority group as more deserving of protection. It is offensive and wrong to suggest that people can only ‘suffer serious harm, and even be killed’ if they are LGBT+, and not because of other characteristics such as race, religion, or indeed sex.

I note that section 4 has as ‘activity 1’ ‘identifying potential criminal charges’. I am troubled by the implications of this: it goes beyond anti-bullying and encourages children to identify hate crime in a school setting. The students are clearly directed to consider ‘an incident in the ladies’ toilets’ in this section on criminal charges, reinforcing the message that girls asserting their boundaries in tantamount to a crime.

Given that the guidance is very clear about how seriously such hate crimes and incidents should be taken, I am also worried that a clear incentive is being set up here to encourage students to report one another’s behaviour or for a teacher to feel under pressure to refer it on to the police.

With all this in mind I question why this guidance has only been made available to teachers. As this is aimed at 11 year olds upwards, parents must surely be given the opportunity to see it.

Yours sincerely,