



10th July 2019

Recipient Names Redacted

Thank you for your reply to our email of the 24th June. We will be publishing this correspondence as your reply has not allayed our concerns.

We are pleased that the EHRC is developing new guidance for schools on how equality law applies to children who are gender questioning, or identify as transgender. It is critical that schools have official guidance in line with both the Equality Act 2010 and the DfE statutory guidance "Working Together to Safeguard Children".

The guidance also needs to reflect the state of knowledge about gender issues in children. The Government Equalities Office says it does not know what is driving the unprecedented number of children being referred to the Gender Identity Service. They are currently commissioning new research.¹

The government's Chief Inspector of Education, Amanda Spielman, has highlighted that there is a "great deal of confusion" around the scale and seriousness of the spectrum of mental health issues and that schools should not go beyond their remit and competency on this.² In relation to equalities she spoke of her concern that debates are putting an "emphasis on single issues, sometimes to the detriment of real consideration of different perspectives and willingness to find that working consensus, putting children's interests first".³

In your letter you say that you have consulted a wide range of stakeholders. However, we remain concerned about the breadth and the quality of this engagement in practice. From the start the EHRC process has appeared to favour the lobby organisations that encourage an 'affirmation only' approach, and which are currently giving problematic advice to schools such as to keep secrets from parents and to force girls to share changing rooms, toilets and overnight accommodation with male pupils who identify as trans. In particular:

- The development of the EHRC guidance was first announced in partnership with Mermaids and Gendered Intelligence, with the claim that "Transgender children are being failed" by schools.⁴
- EHRC Chair David Isaac has repeated the claims of the lobbying organisations saying that "rigid views about what it means to be male or female" contribute to "unprecedented number of self-harm and suicide attempts". This is irresponsible and unsupported by evidence.

¹ <https://www.gov.uk/government/news/government-set-to-begin-next-phase-of-gender-transition-research>

² https://www.huffingtonpost.co.uk/entry/ofsted-chief-on-equality-school-cuts-and-the-widespread-confusion-over-mental-illness_uk_5cf9a22ae4b0b08cf7eb652a

³ <https://www.gov.uk/government/speeches/amanda-spielman-at-stonewall>

⁴ <https://www.equalityhumanrights.com/en/our-work/news/transgender-children-failed-system-warns-equality-chair>



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- EHRC's "Trans Reading List" does not include reference to any writings which consider the need to balance competing rights.⁵ A full third of the resources are by just three authors: Professor of Gender Identities Sally Hines, Stephen Whittle of Press for Change and James Morton of the Scottish Trans Alliance. Transgender Trend's Schools Pack are not included in the EHRC reading list.
- We understand that Transgender Trend, whose guidance was recently reviewed in the Times Educational Supplement as being most consistent with the Equality Act,⁶ was not involved in your consultation.

We repeat our request for a public consultation on this important issue, and request to be involved, as stakeholders, in reviewing the guidance before it is published.

We are not satisfied with your suggestion of waiting until you publish finalised guidance in September to find out who has been consulted. We will therefore be asking publicly for women and children's rights groups, including those representing faith groups, to let us know if they have been able to have any input into the guidance.

We also urge you to include women's rights groups and to hold a public consultation on the other guidance being developed, on separate- and single-sex services. We will also be asking publicly whether groups campaigning for women's right to single-sex spaces, such as Fair Play for Women or Woman's Place UK, have been consulted on the development of this guidance.

Yours sincerely,

Safe Schools Alliance UK

⁵ <https://www.equalityhumanrights.com/.../trans-reading-list>

⁶ <https://www.tes.com/magazine/article/supporting-transgender-students-what-you-need-know>