



## Why are SSAUK supporting a legal challenge to Oxfordshire County Council?

In 2018, Oxfordshire County Council (OCC) brought out a Trans Toolkit for Oxfordshire schools to give them guidance on how to support trans-identified students.

Local parents had serious misgivings on the grounds that **the toolkit followed the 'affirmation' approach**, which does not allow for exploration of other reasons why a child may not feel comfortable in their own body and wish to identify as trans.

The guidance also **disregarded the rights of all pupils to safety, privacy and dignity in single-sex spaces, and the rights of teenage girls to compete in sports on a level playing field.**

In response to the parents' persistent complaints, OCC withdrew the guidance for review.

In November 2019 they issued a revised version. This version is worse than the preceding one.

- **It denies biological reality**
- **It treats concerned parents as a safeguarding risk**
- **It misrepresents the law**

By this time the concerned parents had joined up with others from around the country to form SSA UK. Together we are supporting **a brave mother, a teacher and a 13 year old girl** who are making a legal challenge to this guidance.

This is not just a local challenge; we need parents everywhere to understand the implications of the adoption of this guidance.

The legal challenge to Oxfordshire County Council will **impact every single child in school in England and Wales and will influence the law in Scotland.**

Please share and donate to the Crowdfunder to raise funds for the legal challenge

<https://www.crowdjustice.com/case/challenging-occ-transgender-schools-guidance/>



## What is wrong with the Oxfordshire County Council Trans Inclusion Toolkit 2019?

The definition of 'trans' is very broad. The inclusion of 'non-binary' and 'those who are questioning their gender identity' does not sit well with their later statement that trans boys are boys and trans girls are girls, with all that that entails in terms of the removal of single-sex spaces.

'Trans boys' are biologically female and 'trans girls' are biologically male.

**Trans:** An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois

Very young children, and children with special needs, are to be identified as transgender by their actions.

A little boy in Nursery who enjoys playing with dolls and dressing up in princess dresses, or a little girl who likes toy trucks and football, may be labelled before they can talk. This is deeply sexist, and is a reflection of the adults' prejudices.

### Listen

As with any child or young person, first and foremost, listen to what they are saying in their actions or words. Where these conflict, prioritise what their actions and behaviours are saying. Get to know the child or young person by observing, listening and understanding how they express themselves. This is especially important for pre or non-verbal children or young people. Ensure that every child/young person is given every opportunity to express their identity and feel 'heard'.

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The Toolkit misrepresents the law and denies biological reality in this section on toilets. It unlawfully discriminates against one protected characteristic (sex) in favour of another (gender reassignment).

## 5.2 Toilets

Children and young people are supported through the Equality Act 2010 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 cause issues for children or young people who do not identify with a gender binary such as boy/girl.

Any child or young person who has a need or desire for increased privacy, regardless of the underlying reason (disability, trans, non-binary, faith) should be provided access to a single stall toilet, but no child/young person should be required to use such a toilet. Access to toilets that are viewed by children and young people as safe spaces are crucial for all children.

There is no explanation of how 'single gender' toilets can provide 'safe spaces' for girls. Exceptions to the Equality Act 2010 allow for the provision of single-sex facilities.

Discussions relating to using the changing rooms of the opposite sex are only held with the trans-identified child.

## 5.3 Changing rooms

The use of changing rooms by trans children and young people should be assessed on a case-by-case basis in discussion with the trans child or young person. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring safety and comfort, and minimising stigmatisation. In all cases, trans children and young people should have access to the changing room that corresponds to their gender identity.

That many young people will not feel comfortable removing their clothing in front of a member of the opposite sex is not considered, however the suggested alternative for those with 'a need or desire for increased privacy' is exclusion from the group, by either changing separately or at a different time.

There is no regard for safeguarding during residential trips, including the need to risk assess male and female teenagers sharing a room overnight – which may result in consensual or abusive sexual contact and the consequences of that including pregnancy. Nor are the wishes of children who may not want to share sleeping facilities with the opposite sex considered.

## 5.5 Residential trips

Discussion should be had with the trans child/young person, and parents and carers of the child if appropriate, prior to residentials. This will ensure the necessary care and preparation is in place to enable trans children and young people to participate in residential trips.

As far as possible, trans children and young people should be able to sleep in dorms appropriate to their gender identity. Some trans children and young people may not feel comfortable doing this and in such cases alternative sleeping and living arrangements should be made.

There is no regard for safeguarding in the use of binders, which are by their nature constrictive, and have numerous negative effects on young women's health, including muscle wasting, dizziness, skin infections, spine changes and even rib fractures.

Trans children/young people may choose to use different kinds of underwear such as binders or gaffs, and transition aids such as packers or breast forms, which may need extra consideration or support in terms of hygiene, privacy and safety (see **Appendix A** for definitions). Children and young people should be encouraged to avoid constricting bandages or inflexible tape that may be injurious to their health, and to access advice from responsible sources, for example at [Gendered Intelligence](#) or [Healthline](#). Professionals should be aware that trans children/young people's choice to use binders or tucking is not a safeguarding risk when applied responsibly and consensually; and is not associated with other abusive forms of breast and genital binding that occur in other contexts.

The authors of the Toolkit offer no evidence as to why we should not view a practice which damages breast tissue as a safeguarding risk, and why it is different when carried out in the UK.

Oxfordshire County Council do not see boys and girls sleeping in the same room during residential trips, without the parents' knowledge, as a safeguarding risk, and they do not consider breast-binding to be a safeguarding risk. However, there is one safeguarding risk that they do identify: parents.

### **5.1 Changing names and gender on management information systems (MIS), exam certificates and documents**

Changing their name and confirming gender identity is a pivotal point for many trans, non-binary and gender questioning children and young people. Validating a chosen name is important and this can be done regardless of legal evidence, verbally and in terms of "known as" or "preferred name". Schools and education settings will need to bear in mind how "out" a child/young person is; for example, where parents/carers are not aware of a young person's identity, disclosure of this information may put a child/young person at risk and cause further safeguarding concerns. Precautions that can be taken to prevent such a situation include double-checking letters home for correct names, following proper GDPR and confidentiality procedures, and limiting the number of staff with whom information is shared. If a child/young person wants their name changed on the school system and they are deemed capable of making that decision, this should be respected.

There is no consideration that parents who do not affirm their child's 'transition' may not be doing so abusively, but because they do not believe it is in the best interests of their child.

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