



Safe Schools Alliance UK

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Statement from Safe Schools Alliance UK (SSAUK)

Oxfordshire Council County (OCC) have withdrawn their ‘Trans Inclusion Toolkit’ after legal challenge by teenage girl

Safe Schools Alliance UK welcome the news that the ‘Trans Inclusion Toolkit’ has been withdrawn by Oxfordshire County Council after the High Court ruled that it was “arguable that it was unlawful”¹. However, they warn that versions of the ‘Toolkit’ are still in place as ‘official guidance’ in many local authorities and schools.

They say that the problems the teenage girl raised in her case against OCC will not go away for many children around the country. They are advising all authorities to reflect on flaws in their own policies.

SSA UK, a parent and teacher group, first pointed out a number of safeguarding flaws with the *Trans Inclusion Toolkit*, the official guidance recommended to all Oxfordshire schools and education settings, in February 2019. Although OCC committed to a ‘review’ of the guidance, they did not address any of the points raised, nor respond to the safeguarding issues the group put to the Oxfordshire Safeguarding Children’s Board (OSCB), which was managing the review on behalf of OCC.

Tanya Carter, SSA UK spokeswoman said: *“We welcome the decision from Oxfordshire County Council to withdraw their ‘Trans Inclusion Toolkit’. However, we remain deeply concerned at the widespread undermining of child safeguarding and misrepresentation of*

¹ http://schools.oxfordshire.gov.uk/cms/schoolsnews/withdrawal-trans-inclusion-toolkit?fbclid=IwAR0bq7_N8CadIKhp9fRRKsScZuhFwptuseQjde_1Wox9zS84P2oj4nzHHJY

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the Equality Act, that this case has revealed.

“Following the news that Warwickshire County Council withdrew comparable guidance last year after a challenge from parents, and the Crown Prosecution Service withdrew its guidance last week after a challenge on similar grounds, we need to question how this widespread institutional capture of public bodies has come about.

“We are concerned about the unwarranted influence which lobby groups such as Stonewall, appear to have on the Government Equality Office, the Equality and Human Rights Commission and, most worryingly, the Department for Education.

“The government must issue clear guidance that centres the well-being of all children. They also need to make it clear that ALL policies that impact on children must have the UK’s established safeguarding frameworks at their core. There are many serious lessons to be learned here.

“We are honoured to have supported the brave 13-year old girl who stood up for the safety of children at a time when so many adults failed to do so. We will continue to work towards a future where all children can be safe and feel safe and we have true equality for all.”

The claimant, a 13-year-old girl who cannot be named for legal reasons said: *“The toolkit has a very significant impact on me as a girl. I am very surprised that the council never asked the opinion of girls in Oxfordshire about what we thought before they published the toolkit. Although they have withdrawn it now, they haven’t apologised to me or said they were wrong. I would like to know what OCC are going to do to make schools a safe place for girls going forward. I’m also worried about girls in other schools around the country who have these guidelines.”*

Her mother said: *“My daughter is delighted that girls in Oxfordshire will not be affected by this terrible document that ignores their right to male-free spaces. However, she is not impressed with their excuses, and demands that so-called guidance such as this is*

Release date: 8th May 2020

permanently withdrawn. She would like to see the County Council produce their own policies, taking all children into account, based on evidence rather than advice from lobby groups. We will be watching closely to see that this guidance doesn't get released again."

Paul Conrathe, Human Rights Solicitor from SinclairsLaw said: *"My client is delighted that Oxfordshire County Council and the Oxfordshire Safeguarding Board have decided to withdraw the Trans-Inclusion Toolkit. It plainly misrepresented the law by assuming that an array of gender identities had protection under the Equality Act. They do not. The Toolkit advised that biological boys could access girls' toilets, changing rooms and dormitories on residential trips. Rather than protect and promote the welfare of children it exposed girls, in particular, to a greater risk of harm.*

The High Court has already considered the Toolkit and ruled that it is arguable that it is unlawful. Oxfordshire Safeguarding Board have done the right thing in withdrawing it. It was plainly legally indefensible."

The legal action was originally instigated by the teenage claimant Miss B; an unnamed teacher, Miss C; and by Victoria Edwards, a parent in Oxfordshire who fronted the Crowdfunding campaign. Victoria Edwards, said: *"I'm pleased that OCC have withdrawn the toolkit. I'm disappointed, however, that it has taken a 13-year-old girl, a crowd funding campaign and a high court judge granting a judicial review to uphold the privacy, dignity and safety of Oxfordshire's schoolchildren. I hope that any further guidance will give due consideration to the rights and needs of all pupils."*

Notes to editors:

1) About Safe Schools Alliance UK

Safe Schools Alliance UK is a group of concerned parents, grandparents, teachers, governors, health professionals, education professionals, and carers from more than 30 local education authority areas in the UK. Individuals are from a wide range of backgrounds and the group has no religious nor political affiliation.

The SSA UK campaign is focused on working with schools and educators to ensure that school policies meet the safeguarding needs of all students, whilst taking into account the protected characteristics of the Equality Act 2010.

Release date: 8th May 2020

SSA UK endeavours to provide clarity on the law and offer unbiased, evidence-based guidance and support where conflict between protected characteristics arises.

2) Links:

- <https://safeschoolsallianceuk.net/about/>
- https://twitter.com/SafeSchools_UK
- <http://facebook.com/safeschoolsallianceuk>
- info@safeschoolsallianceuk.org

3) Media contact: Tanya Carter, email info@safeschoolsallianceuk.org

4) Tanya Carter may be available for interview.