

## **Teenage girl applies for Judicial Review against Crown Prosecution Service (CPS) following their refusal to withdraw from the *Stonewall Champions Programme***

***Following previous legal action CPS agreed to review LGBT+ Hate Crime guidance, however, applicant “has no confidence in CPS whilst it remains aligned to Stonewall”***

***6<sup>th</sup> September 2020***

A teenage girl is bringing a Judicial Review against the Crown Prosecution Service (CPS) over “biased” LGBT+ guidance she claims undermines her legal protections of privacy, dignity and free speech. She also believes their allegiance to a lobby group, which has campaigned to remove Sex as a protected characteristic and to undermine her sex-based legal rights, renders the CPS unfit to carry out an unbiased and fair review.

Earlier this year the CPS agreed to withdraw and review their *Lesbian, Gay, Bisexual, Trans+ Bullying and Hate Crime Guidance* after the girl, who is being supported by [Safe Schools Alliance](#) and Fair Cop, sent a letter threatening legal action.

The guidance directs staff and pupils to be aware of hate crimes and ‘hate incidents’, suggesting that a child could be guilty of criminal behaviour because of their thoughts, reactions, or whom they chose to be friends with.

In May, the teenager took the case one step further, as despite the decision to withdraw the guidance, she believes that as a ‘Stonewall Champion’, the CPS is not impartial, and she therefore has no confidence they would be able to adequately address her concerns without significant bias. She asked that the CPS withdraw from the *Stonewall Champions Programme*. The CPS refused and the girl is now applying for a Judicial Review.

**John Ford, Managing Partner at Sinclairslaw said:** *“As the State’s prosecuting authority it is fundamental that the CPS should be independent of the influence of pressure groups – and especially so on matters of significant national controversy. It has to devise policy and take*

*decisions to prosecute that are impartial. This is essential so that justice is not only done but seen to be done.*

*“It is both surprising and concerning that the CPS is a Stonewall Champion. Stonewall is a campaigning organisation that seeks changes to the law on transgenderism. Not only does it advocate for legal change; it seeks to embed its values and views of what it thinks the law should be in organisations which subscribe to its Stonewall Champions Programme. This enables biological males]to access female-only spaces and disciplines those who refuse to accept a person’s gender self-identification. It encourages organisations to regard gender identity as protected by the Equality Act – a protection explicitly rejected by Parliament in the passage of the Equality Act.*

*“My client, a 14-year-old girl, is concerned that Guidance the CPS is currently devising on LGBT+ Bullying and Hate Crime in Schools will reflect Stonewall’s values and will therefore undermine her legal protections of privacy, dignity and free speech. Whilst she is pleased that the CPS will exclude Stonewall from its policy review, she has no confidence that the CPS will act impartially. It is a Stonewall Champion and has therefore subscribed to a set of values that she regards as contrary to her legal protections. She cannot understand how the CPS can be both a Champion for Stonewall and impartial on issues of significant national controversy.*

*“Where there is an appearance of bias, then the actions and policies of the CPS associated with that bias are unlawful. Furthermore, by the CPS adopting Stonewall’s values we are concerned that it is institutionally biased, and this renders policies and decisions of the CPS on gender identity matters unlawful.*

*“We have asked the CPS to leave the Stonewall Champions Programme so that they can abide by their duty of independence and impartiality. They have refused to do so. My client will now apply for judicial review in the High Court. “*

**Tanya Carter from Safe Schools Alliance UK said:** *“We are astounded that the CPS have prioritised its relationship with a pressure group which has lobbied to change the law regarding sex-based provisions over the safety concerns of a teenage girl. Any guidance, document or policy to be used by schools, or any other organisation that deals with under 18s must have Child Safeguarding at its heart and must be written by people who were recruited using robust Safer Recruitment processes and have undergone safeguarding training.*

*“All polices must be legally compliant and free of political ideology. This regulatory capture, where Stonewall’s erroneous interpretation of the law is taken as gospel, cannot be allowed to*

*continue. We look forward to continuing to support Miss A and once again commend her bravery.”*

**Harry Miller, co-founder of Fair Cop said:** *“Stonewall is a political lobby group whose interests coincide with the guidance as it stands. This being the case, the collaboration between the CPS and Stonewall must cease, and be seen to cease, in order to fulfil the public duty of impartiality and to uphold the longstanding independence of law. It’s shocking that a teenage girl has to go to the high court in order for the CPS to do its job. ”*

**The teenager in the case, said:** *“I do not believe the CPS can be fair, as they are listening to Stonewall who are misrepresenting what the law says about my rights to female-only spaces. I do not trust them to focus on the safety, privacy and dignity of girls, or to balance the rights of all young people in schools. Why is the CPS’s relationship with Stonewall more important than that?”*

- ENDS -

## Note to editors

For further editorial information or to request a briefing with Safe Schools Alliance, Fair Cop or our legal team, please contact:

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The core legal issues of the case are

- 1. Proposed transgender rights and their conflict with women’s existing sex-based rights are a matter of significant national political and public controversy.*
- 2. The CPS, as an organ of the state and in particular, as its prosecuting authority, should be independent and impartial.*
- 3. Stonewall is a charity that campaigns for changes to the law on transgender matters. It seeks societal reform through influencing the culture and values of its partner organisations through its ‘Stonewall Champions Programme’. Stonewall is an unelected and democratically unaccountable body.*
- 4. The CPS is a ‘Stonewall Champion’ and its independence and impartiality is thereby compromised. The term “champion” conveys the impression of aligning with and advancing a particular cause.*
- 5. The CPS’ membership of the Stonewall Champion Program undermines public confidence in its independence and impartiality on matters of significant controversy.*



Editors may also be interested in barrister Allison Bailey's case against her employer and Stonewall. Her case raised £60,000 in less than 24 hours despite CrowdJustice taking down her crowdfunder page.

<https://twitter.com/BluskyeAllison>

**About Safe Schools Alliance:**

The Safe Schools Alliance 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.

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

**About Fair Cop:**

Fair Cop is a group of individuals who have come together over shared concerns about police attempts to criminalise people for expressing opinions that don't contravene any laws.

Fair Cop is committed to working with the College of Policing, police forces, police & crime commissioners and other relevant authorities to improve the existing guidelines, ensuring they recognise citizens' freedom of expression while continuing to provide robust protection against real crimes.