



Submission to the Committee on Standards in Public Life

1. Sex Matters is a not-for-profit organisation that campaigns for clarity about sex in language, policy and law, in order to safeguard everybody's human rights, health, safety and dignity.
2. We are concerned by policy capture that has resulted in the replacement of "sex" with "gender identity" in public institutions. Jane Clare Jones in the report "The Political Erasure of Sex", supported by Oxford University, describes "policy capture" as the process:

whereby public policy becomes skewed in favour of one particular interest group over and above others.¹

3. The demands of groups claiming to represent the interests of the trans community have been privileged to the detriment of women's and children's rights, and the freedom of speech and ability of everybody to discuss reality.² These demands are not simply about ensuring that transgender people are not discriminated against in employment, the provision of services etc (which we support) but about compelling the acceptance of a metaphysical belief in gender identity and of a corresponding belief that sex does not matter, only gender.³

¹ Jane Clare Jones (2020) The Political Erasure of Sex: Sex and Census https://thepoliticalerasureofsex.org/wp-content/uploads/2020/10/The-Political-Erasure-of-Sex_Executive-Summary.pdf

² Kath Murry, Lisa McKenzie and Lucy Hunter Blackburn outline this process with case studies focused on Scotland in "Losing sight of women's rights: the unregulated introduction of gender self-identification as a case study of policy capture in Scotland" in Scottish Affairs (2020) <https://eupublishing.com/doi/full/10.3366/scot.2019.0284>

³ Gender Identity is the idea that everyone has an sense of gender male, female or other, which may be innate or may change from day to day, but in either case should override their biological sex based on anatomy.

4. The influence of trans activist organizations has systematically undermined democratic decision-making processes, so that decisions about how public policies address sex and the concept of “gender identity” are not made in an independent, honest, objective and open way, accountable to the public at large. In practice replacing “sex” with “gender identity” undermines the ability of people and institutions to do their jobs, such as collecting and using data to plan public services, allocate public resources and monitor equalities outcomes, and ensuring safeguarding of children and vulnerable people.
5. The primary mechanism that is used to capture public institutions is fear; in particular the fear of being called “transphobic” and fear of the impacts that can have on someone’s livelihood and career.⁴ In a recent case concerning whether police who turned up at a man’s workplace to “question his thinking” about trans issues had overstepped their role, Mr Justice Julian Knowles stated that the impact of this must not be underestimated:

To do so would be to undervalue a cardinal democratic freedom. In this country we have never had a Cheka, a Gestapo or a Stasi. We have never lived in an Orwellian society.⁵

Such “questioning of thinking”, as to whether it is in line with gender identity ideology, is systematically taking place across institutions in public life; politicians, civil servants, judges, regulators and charities and other organisations receiving public funding are all facing pressure not to say clearly that there are two sexes, that sex is immutable and important, but instead to endorse slogans such as “trans women are women”. The impact of this on the ability to uphold standards in public life should not be underestimated.

⁴ An expansive definition of transphobia is given by the group “Transactual” - Behaviour judge to be transphobic include claiming there is any conflict of rights between women and transgender people and questioning the treatment of children experiencing gender dysphoria with puberty blocking drugs, or defending rules that allow single sex services (termed “Encouraging or facilitating proxy violence against trans people”)

<https://www.transactual.org.uk/transphobia>

⁵ Harry Miller v College of Policing and Chief Constable of Humberside, [2020] EWHC 225 (Admin).

6. A ComRes survey of MPs undertaken in 2018 found that 59% of MPs agreed that the rise in the number of children presenting as transgender “is a worrying development that has not been properly explained or discussed yet” and 67% were “concerned that rules allowing men to self-identify as women and access women-only spaces like prisons and refuges could be exploited by abusive individuals.” However only 33% agreed that “I can speak freely on transgender issues without undue fear of social media attacks or being accused of transphobia.” Writing in the *Spectator*, journalist James Kirkup states

That, I think, is about as profound and worrying an example of a chilling effect as I’ve encountered in a career writing about politics and policy.⁶

7. The policy capture over the issue of sex vs gender identity demonstrates a broader vulnerability of public institutions to capture by motivated third party organisations and movements.

The shift to “sex self ID” in practice outside of democratic decision making

8. Over the last three years the UK Government’s proposal to reform the Gender Recognition Act 2004 (GRA) to allow people to change their legal sex based only on making a legally-registered self-declaration sparked an intense debate on how sex should be defined in law and policy.
9. While the proposal was eventually shelved, the debate—which was enabled not by established organisations holding open space for democratic discussion, but by grassroots groups established in response to the closing down of debate⁷—revealed how in practice gender self-identification, without any requirement for any form of legal process, had already become embedded in the

⁶ James Kirkup (2018) Even our MPs are afraid of the transgender mob, *Spectator*, 20 October 2018

<https://www.spectator.co.uk/article/even-our-mps-are-afraid-of-the-transgender-mob>

⁷ See for example <https://womansplaceuk.org/> Woman’s Place UK, set up in November 2017 to enable women to discuss the proposals for GRA reform, has hosted 26 events around the country and sold 5,521 tickets. Fair Play for Women’s awareness-raising on the women’s rights aspects led to 18,370 submissions to the consultation. Neither of these organisations has any external or government funding. A recent review found 40+ grassroots groups organising around women’s concerns about policy treatment of sex and gender.

<https://gender-dissidents.net/resources/>

policies and practices of public institutions.

10. While the GRA was explicitly intended to permit a very small minority of people to change their legal sex, in response to a diagnosed condition, self ID allows any man to declare himself a woman and thereby to access women's services (and vice versa), and requires others to ignore sex. It is an ideology articulated by the slogans "trans women are women, and trans men are men", and "acceptance without exception" promoted by the former gay rights organisation Stonewall.
11. Across schools and universities, local authorities, the census, the Equality and Human Rights Commission, the Judicial College's Equal Treatment Bench Book, police forces, the recording of crime statistics, prisons, the management of "single sex" hospital wards, the inspection regime of the Care Quality Commission, and other areas, this ideology has been adopted into policy. Public servants are instructed to treat someone's self declared gender identity as if it is their sex - despite self ID never having been formally approved and legislated for, despite the government having formally rejected it in 2020 following the 2018 consultation, and despite Parliament never having debated this issue.
12. This is a fundamental redefinition of a very basic aspect of life—being a man or a woman. It means that other people are required to treat a person of the opposite sex as if they were the same sex, even when it comes down to sharing facilities for undressing and washing, being searched by a law enforcement officer or intimately examined by a doctor, or sharing sleeping quarters. It imposes a form of compelled speech by requiring people to pretend that people are the same sex as them when they can see perfectly clearly that they are not.
13. That this has taken place without democratic oversight, but through the surreptitious adoption of private standards promoted by a handful of advocacy groups and taken up by government agencies, the civil service, regulators and the judiciary. This is a sign that the safeguards of standards in public life are not working.

Lobby groups in parliament, opaque practices

14. This extra-legal redefinition of sex has been driven in large part by advisors from organisations such as Gendered Intelligence, the Gender Identity Research and Education Society (GIRES), Mermaids, Press for Change and in recent years Stonewall, that have become embedded within the political system.⁸ For example Professor Stephen Whittle was specialist adviser to the Women and Equalities Committee, chaired by Maria Miller, when it drew up its agenda-setting report on Transgender Equality. But what is not stated is that Whittle founded Press for Change, the UK's earliest group to campaign for transgender interests.
15. One example of the acceptance of LGBT groups in setting the terms for legislators was revealed last summer by the Chair of the All Party Parliamentary Group on Global LGBT+ Rights. In September 2020 the government produced its response to its 2018 Consultation on the GRA. The Chair, Crispin Blunt, responded:

I regret that the considerable work done in privately agreeing a way forward by the wider LGBT+ lobby both in Parliament and outside, to deliver respect and reassurance around the position of trans people in the UK meeting square on the anxieties of some cisgender women around single-sex spaces for example, and the quality of relationship and sex education in schools, was not adopted by the Government, and does not appear to have been properly understood. It certainly seems to me [sic] that the Minister for Women and Equality's own appointed LGBT+ advisers and those that serve in the Government Equalities Office have also had their advice disregarded. I am now releasing the private paper that was agreed by the Officers of the APPG on 8th July 2020. The paper was shared with all the political parties' own LGBT+ Groups and was discussed fully with the relevant civil society groups. Whilst different organisations had their own order of policy priorities for trans people, it

⁸ See for example Michael Biggs (2020) The Transition from Sex to Gender in English Prisons: Human Rights and Queer Theory <https://osf.io/preprints/socarxiv/43f2t/>

was agreed that the APPG position paper, in light of the government's apparent position, would represent a satisfactory outcome to the consultation. The paper was offered privately to the government in the wake of the anxieties set off by the Secretary of State when she appeared before the Women and Equalities Select Committee on 22nd April 2020.⁹

16. This process he describes, of privately agreeing a position amongst lobby groups, LGBT+ advisors and staff in the Government Equalities Office before offering it privately to the Minister from the APPG is the antithesis of democracy. It fails both the letter and principle of standards in public life.
17. The private paper, circulated to the Minister and GEO in July was finally published in September 2020. The minutes of the APPG meeting in which it was agreed have never been released. This does not meet the standard for conduct of APPGs.¹⁰

The Stonewall Diversity Champions Scheme

18. Roughly 250 Government departments and public bodies, including police forces, local councils and NHS trusts, are members of the Stonewall workplace diversity charter scheme, at an annual cost of some £600,000. Members include GCHQ, MI5, the Ministry of Defence, the Cabinet Office, the Department for Education, the Ministry of Justice, 57 local authorities, 47 emergency service providers, almost 30 police forces and more than 50 NHS organisations.¹¹ Many universities and large corporations such as Amazon, Marks & Spencer, Nestlé, Imperial College London, Oxford University, the Royal College of Art are also members. There is a separate scheme for schools.
19. Under this scheme the charity gives institutions a mark of approval if they sign up to a number of core principles, including adopting Stonewall's definition of

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<https://www.appglgbt.org/news/appg-lgbt-statement-in-response-to-the-governments-response-to-the-gra-consultation>

¹⁰ <https://www.appglgbt.org/news/delivering-respect-and-reassurance-around-trans-equality-in-the-uk>

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<https://www.telegraph.co.uk/news/2020/10/31/government-agencies-paying-thousands-become-diversitychampions/>

“transphobia” and committing to an approach of “zero tolerance”. Stonewall’s officially published definition of transphobia is

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it.

This definition goes beyond hostility to and/or discrimination against transgender people because of their gender identity, and includes as transphobic any argument that trans women are not literally women, and trans men not literally men, since this is viewed as a refusal to accept gender identity. It means anyone who does not share in the requisite metaphysical belief is by definition “transphobic”.

20. The scheme is designed to embed Stonewall’s values, and Stonewall’s interpretation of the law, deep into organisations’ policies and management culture. Policies must be drafted, staff must be trained on them. Senior managers must demonstrate buy-in. Junior staff must be encouraged into active public displays of “allyship.” Efforts must be made to influence suppliers, customers and service users. Social media accounts must toe the party line.¹² One university’s annual submission to Stonewall ran to 95 pages, not including attachments.¹³
21. Employers are expected to adopt de-facto self-ID policies that go beyond the law and ignore potential conflicts with women’s rights. Organisations are instructed to hold events such as LGBT History Month, Pride, Spirit Day and/or IDAHoBiT (Transgender Day of Visibility, Transgender Day of Remembrance) and to develop LGBT Employee Networks Groups and allies activity. They are instructed to take participation in these activities into account in employee appraisals. Conversely employees who do not agree with self ID are to be re-educated and disciplined. Those who refuse are branded “transphobes” and will see their career suffer.¹⁴ In a recent online survey in which over 700 people

¹² Edinburgh University’s completed copy of the assessment was revealed by a Freedom of Information request https://www.whatdotheyknow.com/request/matters_related_to_stonewall

¹³ Oxford University, 2019 submission, obtained by Michael Biggs’ Freedom of Information request.

¹⁴ Anecdotally we have stories of employees being questioned and disciplined for “gender critical” views across the public, private and voluntary sectors, with some cases resulting in formal disciplinary investigations, and a few

shared stories about why they are concerned about gender ideology's capture of public life 350 said they did not speak up publicly for fear of negative consequences at work.¹⁵

22. In order to achieve higher rating on the Stonewall scheme organisations effectively delegate decision making on relevant policies to employee networks (e.g. the LGBT+ and Allies Group they are encouraged to set up) and to external organisations. Members of the scheme are encouraged to undertake training with organisations that subscribe to the ideology of gender identity. Stonewall conveniently provides training, charging £5,000 for a one-day seminar.
23. Employees are encouraged to demonstrate their allegiance to the ideology through the wearing of rainbow lanyards, and putting pronouns into their email signatures and announcing them at the start of meetings. Organisations demonstrate their allegiance through measures such as rebranding their logos during "pride" month and changing language to avoid using words such as "mother" and "father".¹⁶ This undermines the perception of them as public bodies dedicated to serving all of the public.



24. All of this results in an environment where public servants are vulnerable to

cases resulting in ongoing employment discrimination claims. We are in contact with hundreds of people in jobs across these sectors who say that they are afraid to say that they disagree with gender identity ideology. Most well documented are the pressures on academics targeted for their views on sex and gender. Michael Biggs maintains a list of stories that have made it into the public domain <http://users.ox.ac.uk/~sfos0060/GCtargets.shtml>. Professor Kathleen Stock has collected additional testimonies from academics and others working in universities. <https://medium.com/@kathleenstock/are-academics-freely-able-to-criticise-the-idea-of-gender-identity-in-uk-universities-67b97c6e04be>

¹⁵ <https://gender-dissidents.net/consequences/>

¹⁶ See Edinburgh University's Diversity Champions documentation https://www.whatdotheyknow.com/request/matters_related_to_stonewall

complaint and possible discipline for making arguments that might wrongly be seen as transphobic.

25. We give two example case studies of this ideological capture in public agencies, in the Crown Prosecution Service (CPS) and the Care Quality Standards Commission (CQC).

Policing thinking at the Crown Prosecution Service

26. Last year the Crown Prosecution Service withdrew its LGBT hate crime guidance issued to schools, after a 14-year-old girl mounted a legal challenge against it. The “LGBT bullying and hate crime schools pack” followed the self-ID proposals of these advocacy organisations and threatened schools that, if they do not allow transgender pupils to use their preferred toilets or changing rooms, they could face legal challenge.¹⁷
27. The teenager’s legal team argued that the CPS’s membership of the Stonewall Diversity scheme means it was not impartial in considering the rights both of women and girls and of transgender people. The CPS argued that the Stonewall scheme only covered employment issues and would not influence the decision making of those employees.
28. It is obvious that a scheme that encourages an organisation to reward staff who express one ideological view and censure those who disagree will lead to limited discussion and consideration, and biased decision making.

The Care Quality Commission – Evidence of Ideological Capture

29. The CQC is a Stonewall Diversity Champion. Its equality policy does not include the protected characteristic of sex, and instead replaces it with “gender”. It states this is more inclusive:

everyone covered under the term “Sex” is included in the term “Gender”,

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<https://www.telegraph.co.uk/news/2020/04/30/cpspulls-hate-crime-guidance-schools-14-year-old-girl-mounted/>

whereas some people may feel excluded by the use of the term Sex.¹⁸

30. This idea that males who feel more comfortable not being identified as male should instead be able to be identified as female is at odds with the CQC's role of assessing care providers, where a person's sex is relevant to consent and safeguarding.

31. The replacement of "sex" by "gender identity" is evident accross CQC publications. For example in the CQC guidance "Relationships and sexuality in adult social care services - Guidance for CQC inspection staff and registered adult social care providers"¹⁹ there is a section called "What is sexuality" but this makes no mention of sex:

Sexuality encompasses a person's gender identity, body image and sexual desires and experiences.

32. In practice this means that inspectors are encouraged to ignore sex as a risk factor in considering the policies of health and care institutions. For example NHS policy is that a patient can choose to be seen by a male or female healthcare professional, at least for primary care. This is seen as particularly important by many women having intimate examinations (such as smear tests) including those from religious and ethnic minorities. However the CQC sees a doctor who identifies as a member of the opposite sex as being of that sex and ignores issues of consent in an institution's policies on examination of patients requesting a doctor of the other sex.²⁰

33. Similarly male patients who identify as female and are housed in women's wards (including locked mental health wards) are not seen as an issue for consideration by the CQC since it has adopted the view that a male person, with fully male anatomy who declares themselves to be a woman is in all respects the same as a female person, regardless of the fact that the female patients affected are very

¹⁸ <https://twitter.com/CareQualityComm/status/1306558446158974977>

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<https://www.cqc.org.uk/sites/default/files/20190221-Relationships-and-sexuality-in-social-care-PUBLICATION.pdf>

²⁰ <https://a-question-of-consent.net/2020/09/16/doctors/>

unlikely to see matters the same way.

34. The CQC's failure to flag up any issues at the Tavistock Clinic in 2016 (such as inadequate patient consent for puberty blocking treatments that put children on a pathway to sterilisation) before later rating it "inadequate" in 2021 over the same issues is another sign of this ideological capture.²¹

Conclusion: Paying external organisations to grade public bodies against ideological standards is not compatible with standards in public life

35. The Committee must scrutinise the role of the Stonewall Diversity Champions scheme and its impact on public life specifically. More broadly, it must recognize that charter schemes which grade and rate public bodies against the extra-legal recommendations of political lobby groups, and which hand power internally to "employee network groups" organised along identity lines, blatantly violate the Nolan Principles—especially the principles of **Integrity**, **Objectivity**, and **Accountability**.
36. All public bodies in their equality policies and monitoring must reflect the nine protected characteristics as laid out in the Equality Act 2010 as agreed by parliament. These include both "sex" and "gender reassignment", as well as "sexual orientation" (which is defined in terms of sex, not gender). Policies which deny the material reality of sex are not necessary to comply with the Gender Recognition Act 2004 and the Equality Act 2010.
37. Pressure on public servants to prioritise a metaphysical belief in gender identity, and to ignore sex, fundamentally erodes the ability of individuals and public institutions to do their jobs and retain the trust of the public.

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²¹ Transgender Trend (2021) Big shake-up at the Tavistock after Care Quality Commission inspection rates the GIDS 'inadequate'

<https://www.transgendertrend.com/care-quality-commission-inspection-gids-inadequate/>