

Clear guidance for schools on sex and gender identity published

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FOR IMMEDIATE RELEASE

Sex Matters and Transgender Trend publish new guidance for schools on how to support children with gender dysphoria, and their peers, in line with the Equality Act 2010.

The guidance emphasises the need for schools to have clear, workable rules that take into account the needs and rights of all pupils in line with the school's Public Sector Equality Duty obligations.

It recognises that pupils who are experiencing gender issues, or who identify as transgender, should not be treated less favourably than their peers, but schools should remember that such children have not actually changed sex.

"It should be made clear to all in the school community that everyone is welcome and included – but it is not "transphobic" to recognise that everyone has a sex. This is crucial for equality, safeguarding and sex and relationship education".

The Guide "Boys and Girls and the Equality Act" was produced by Sex Matters and Transgender Trend with input from lawyers and teachers and seeks to provide practical workable advice for how schools can protect everybody's rights.

It has been produced following concern about the lack of government guidance for schools. The Equality and Human Rights Commission (EHRC) began developing guidance for schools in 2017 but has halted work on the project. Local authorities in several areas have produced guidance and then withdrawn it after legal challenge.

Sex Matters Co-founder, Maya Forstater, says:

"In general schools should not treat boys and girls differently. But where they do for objectively justified reasons, such as for safety, fairness and bodily privacy then the rules do not need to be renegotiated for individual children. Schools can sensitively accommodate all. Schools need to have clear rules and expectations for all children. They shouldn't be pushed by fears and uncertainty about the Equality Act to undermine safeguarding"

Transgender Trend Founder Stephanie Davies-Arai says

"Calls for "inclusion" or against "bigotry" should not be used to pressure children to accept sharing changing rooms with members of the opposite sex. It should be remembered that each cohort of girls will include girls with religious beliefs, girls who have been victims of sexual abuse and girls who are

simply uncomfortable changing or showering with male pupils - and that as children get older it will become less and less appropriate to share such spaces.”

The guide states “It is compulsory under school premises regulations to provide single-sex toilets and washing facilities for children aged 8 and over; and it will always be lawful under the Equality Act to exclude children from toilets, washing, changing rooms and sleeping accommodation provided for children of the opposite sex.”

Schools may be able to offer unisex or flexible facilities that can be used by a child expressing distress at changing with their own sex.

Existing EHRC technical guidance states that “A suitable alternative might be to allow the pupil to use private changing facilities, such as the staff changing room or another suitable space.”

However many advocacy organisations promote the idea to schools that they must let children use opposite sex facilities, and keep their sex a secret.

When it comes to school sport, the guide says section 195 of the Equality Act allows for separate sex sports where the physical strength, stamina and physique of the average girl would put her at a disadvantage to boys of the same age.

Ends

About Sex Matters:

www.sex-matters.org

Sex Matters is a UK based not-for-profit organisation. It campaigns, advocates and produces resources to promote clarity about sex in public policy, law and culture. It has a singular mission: to re-establish that sex matters in rules, laws, policies, language and culture.

About Transgender Trend

Transgender Trend is the leading UK organisation calling for an evidence-based approach to the treatment of gender dysphoria in children and young people and for factual teaching about sex and biology in schools. Its team includes teachers and safeguarding professionals, academics and parents.

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