



Sex and gender identity in schools

What parents can do

Support and challenge your child's school

Workshop 4th February 2023



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Transgender
TREND
No child is born in the wrong body



Sex and gender identity

Keep your pupils safe and
comply with the law

GUIDANCE FOR SCHOOLS IN ENGLAND

*Written by Sex Matters and Transgender Trend
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Overview

Many children are experiencing distress with their sex.

79% of secondary teachers say their school has at least one pupil who identifies as trans or non-binary; numbers are increasing.

Department for Education guidance has repeatedly been delayed.

Lack of leadership means schools are exposed to legal risk.



The Sex Matters approach: “Everyone has rights”

Laws and regulations

guide and constrain schools’ actions concerning sex and trans identification.

Misinformed by trans lobby groups, many schools are acting unlawfully.

What the DfE should tell schools

- 1 **Law:** Equality Act; Human Rights Act; Public Sector Equality Duty
- 2 **Regulation:** Education Act; Admissions Code; record-keeping
- 3 **Safeguarding:** avoid “trans exceptionalism”; work with parents; don’t stray beyond your expertise.

Sex and gender reassignment: the basics

The Equality Act characteristic of “gender reassignment” protects gender-distressed children from discrimination. It does **not** mean they must be treated as the opposite sex.

A male child who identifies as a “trans girl” or “female” remains legally a boy and male

A female child who identifies as a “trans boy” or “male” remains legally a girl and female

A child who identifies as “non-binary” remains both legally and physically the sex they actually are

No law requires schools to treat any pupil as if they were the opposite sex.

When should school rules be sex-based?

1. Privacy, fairness, safety

Separate the sexes:

- for privacy when changing or using the toilet
- for fairness and safety in sports.

2. Greater equality

Treat the sexes differently to advance equality of opportunity, for example:

- encouraging girls into STEM subjects
- encouraging boys into careers in care.

Toilets and changing rooms: regulations require

Separate toilets for boys and girls over eight, or a single-occupancy fully enclosed room.

- If a gender-distressed child feels unsafe in the appropriate facilities, consider a single-user unisex toilet.

Separate changing rooms and showers for boys and girls over 11.

If a gender-distressed child feels unsafe in the appropriate facilities, consider:

- single-user unisex facilities
- changing at a different time
- changing at home.

Equality and anti-bullying policies

Some “trans inclusive” policies weaken risk assessment and safeguarding by:

- making it harder to assess and act on risks that a pupil faces or poses
- making it harder for pupils to raise concerns.

These policies also discriminate against trans-identified children by:

- placing these children outside standard risk assessment and safeguarding
- isolating these children from their parents.

Nothing should get in the way of child safeguarding.

Social transition at school

As the **Cass Review** makes clear, social transition (such as changing name and pronouns), is a major intervention.

Schools cannot lawfully support full social transition (human rights; admissions; record-keeping; safeguarding).

Schools should **avoid**:

1

attempting to diagnose mental-health problems – instead, work with parents and others to support children

2

using a name or pronoun for a child that they keep secret from parents

3

actions that might entrench any identification at an early age, or risk discrimination or harm to other children.

Freedom of belief

Schools must not discriminate against pupils because of their beliefs or those of their families. It may be discrimination to force pupils or staff to:

1

espouse specific views about gender identity

2

deny the material reality of sex

Schools have a statutory duty to promote “fundamental British values”, including “an acceptance [of] other people having different faiths or beliefs to oneself (or having none)”.

Freedom of speech

Schools should make clear to any gender-distressed child and their family that it is not an affront to their humanity or existence to:

1

distinguish between biological sex and feelings of gender identity

2

enable people of the opposite sex to maintain boundaries and bodily privacy

3

set sex-based school rules that apply to everyone, without individual negotiation.

School sports – the Equality Act permits:

Single-sex competitive sports

If the physical strength, stamina or physique of the average girl would put her at a disadvantage in competition with the average boy (or vice versa).

Girl-only sports sessions

If they are justified on health and safety grounds.

Sports programmes for one sex only

If they are required to address a disadvantage, different need or low participation by one group.

Has your child's school been captured?

Three facets of the same problem

1

Partisan content in the classroom and school environment; ideological external partners

2

School policies that privilege gender identity over sex, sexual orientation, disability, religion or belief and other children's human rights

3

Social transition: record-keeping, "preferred pronouns", trans-identified children excluded from standard safeguarding and sex-based rules

Challenging flawed school policies

Watch this space:

Sex Matters is working on more materials to support parents concerned by how schools approach issues of sex and trans identification.

1

Identify concerns: “gender-neutral” toilets; politicised PSHE lessons; sex discrimination; belief discrimination, safeguarding failures...

2

Identify the legal breaches: human-rights and anti-discrimination law; school regulations; safeguarding principles...

3

What to say and how: sample text; guidance on informal and formal approaches; how to escalate...

Read, download and share!

sex-matters.org/resources-for-parents

Send our guidance to school leaders

Sign the petition to Make The Equality Act Clear

sex-matters.org

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