

# Gender Questioning Children Guidance Consultation

A guide on how to respond

NB This is a printable version of Christian Concern's guidance, which can be found at <https://christianconcern.com/action/protect-christians-and-children-in-schools-from-trans-ideology/>

## Consultation details

The consultation closes on **Tuesday 12 March 2024**.

You can respond to the [consultation online here](#) (by clicking 'Continue' at the bottom of the page).

The draft guidance can be [downloaded here](#). You may wish to have this open to read as you fill out the consultation.

You do not have to answer every question and you can save your response to come back and complete later. Most people will not require more than an hour to complete the whole consultation, and some people will be a lot quicker.

If you have less time, the most important section is the section on **Responding to Requests and Engaging Parents** (questions 15-18). Please ensure you finish and submit your consultation when you have completed the sections you want to.

## What should I say?

### About You

The first two sections of the consultation ask ten questions about you. You are not asked for your name, and you can request that your response is kept confidential.

### Structure and overall guidance

Questions 11 to 13 ask whether the guidance is easy to follow and whether it gives practical advice to schools and colleges to meet their duties effectively.

We suggest you answer "No" to question 11.

In your explanation answer in question 12 we suggest you make the following point in your own words:

- The term 'sex' ought to be defined as 'biological sex' in the section on Language and Terminology so as to avoid any ambiguity.

We suggest you answer "No" to question 13 on whether the guidance gives practical advice.

In your explanation for question 14 we suggest you make the following points in your own words:

- The guidance should state that school inspections will be expected to assess compliance with this guidance.
- The school curriculum should also conform with this guidance in that it should not promote the contested beliefs such as gender ideology.
- The guidance should state that failure to comply with this guidance may be treated as a safeguarding issue.

### **Responding to Requests and Engaging Parents**

Question 15 asks whether this section provides enough detail to help schools and colleges support children.

We suggest you answer “No” to question 15.

Question 16 asks in which areas schools and colleges need further guidance.

We suggest you tick the boxes:

- “How schools and colleges should involve parents in decisions”
- “How schools and colleges should manage engagement with parents with different feelings or views to their child”
- “When schools and colleges should seek specialist advice or support”
- “How schools should put in place a ‘watchful waiting’ period before acting on a child’s request”

In your explanation you could make some of the following points in your own words:

- There is very little detail about what constitutes ‘watchful waiting’ and how long the period should be and how a decision is made to enter ‘watchful waiting’ or to finish ‘watchful waiting’.
- It should be a requirement for children who wish to socially transition to have a medical assessment of their condition.
- It is not clear how schools are qualified to assess the seriousness and context of the request. Professional help should be available for schools on these questions.
- Gender distress is very often a symptom of other mental health struggles. A full clinical assessment is needed for schools to assess the best way to help these children.
- Gender dysphoria, while recognised as a clinical condition in the guidance, is treated as something which should be ‘factor[ed] into decision making’ but only where it is available. There is no other significant psychological and clinical condition where a school is not, on safeguarding grounds, required to expect the parents to initiate engagement with medical professionals.
- In the Language and Terminology section the terms ‘Sex’, ‘Biological Sex’, and ‘Legal Sex’ should be defined for schools.

- Parental consent for social transition should be an absolute requirement, not only “required in the vast majority of cases” as the consultation says. Parents should be able to veto a child’s request for social transition.

Question 17 asks about the points outlined for schools and colleges to consider in this section, and whether they are helpful.

We suggest you answer “No” to question 17.

Question 18 asks what considerations would be more helpful for schools and colleges to consider.

We suggest you make some of the following points in your own words:

- Schools should be told that their policies and practices must reflect the principle outlined in the guidance, that children’s legal sex is ALWAYS the same as their biological sex (p6).
- Gender distress is very often a symptom of other mental health struggles. A full clinical assessment is needed for schools to assess the best way to help these children.
- The government should mandate a clinical assessment before schools allow a child to socially transition.
- Schools are not qualified to assess the seriousness and context of the request in conjunction with any other medical conditions. Professional help is required.
- Schools are not qualified to assess the long-term impact on the child.
- Schools should be allowed to refuse all requests to socially transition from children, who can’t change their gender in law. As stated in the guidance a child’s legal sex is their biological sex.
- Giving schools the decision-making capability on whether to allow a child to socially transition or not is unfair on the schools as they are not qualified to make this decision.

### **Registration of Name and Sex**

Question 19 asks whether there is enough detail to ensure children are recorded correctly.

We suggest answering “No” to question 19.

The guidance in this section is strong and requires schools to record legal names and sex of pupils. However, since ‘sex’ is not clearly defined in the guidance there is some room for ambiguity.

Question 20 asks what further information should be included to help for schools and colleges.

We suggest you make the following point in your own words:

- ‘Sex’ is not defined in the language and terminology section lending some ambiguity to what this section means. It should be clarified that it refers to biological sex.

- Schools should be told that recording of name and sex must reflect the principle outlined in the guidance, that children’s legal sex is ALWAYS the same as their biological sex.

### **Changing Names**

Question 21 asks whether there is enough detail for schools and colleges to respond to a child’s request to change their name.

We suggest you answer “No” to question 21.

Question 22 asks where further guidance is required.

We suggest you tick the following boxes:

- How schools and colleges should make a decision about a child’s request to change their name
- When schools and colleges might refuse a request in relation to a child changing their name
- What factors schools and colleges should take into account.
- How schools and colleges should respond to other children and staff who do not wish to use a different name

In explanation we suggest you make some of the following points in your own words:

- It is not fair to ask schools to decide whether a child can be known by a name that does not conform to their biological sex. This is outside their professional capacity. Psychiatric advice should be sought.
- Schools should not be put under pressure to allow a child to adopt an alternative name that does not conform with their biological sex.
- Teachers and pupils should not be required to use a child’s informal name, particularly if it doesn’t conform to their biological gender. Teachers and pupils should be allowed to use the child’s legal name if in conscience they believe that is the right course of action.
- Schools should be told that their policies and practices must reflect the principle outlined in the guidance, that children’s legal sex is ALWAYS the same as their biological sex, regardless of any changes to their name (p6).

### **Pronouns**

Question 23 asks whether this section provides enough details for schools and colleges to respond to a child’s requests to change their pronouns.

We suggest you answer “No” to question 23.

The guidance in this section is strong and allows schools, pupils and teachers to continue to use the legal pronouns corresponding to the child’s biological sex if they wish to do so.

However, we believe a full risk assessment should be required before allowing any child to change their pronouns.

Question 24 asks in which areas further guidance is required.

We suggest you tick the following boxes:

- What factors schools and colleges should take into account.

In explanation we suggest you make the following point in your own words: A full risk assessment should take place in those “very few occasions in which a school or college will be able to agree to a change of pronouns.” (p13). This risk assessment should be used in the determination of whether ‘the benefit to the individual child outweighs the impact on the school community’.

### **Single-Sex Spaces – Toilets, Changing Rooms and Showers and Boarding and Residential Accommodation**

Question 25 asks whether there is enough detail for schools in this section.

We suggest you answer “Yes” to question 25.

The guidance in this section is strong. It requires schools to protect single-sex spaces and says that any socially transitioning child “must not” be allowed access to these spaces.

Question 27 asks whether there is enough guidance for schools and colleges to determine how to offer alternative facilities.

We suggest you answer “No” to question 27.

In explanation you could make some of the following points in your own words.

- Schools should not be put in a position where they are required to offer alternative facilities to children who don’t want to conform to their biological sex. This is allowing pupils to hold the school to ransom. Schools should only be required to make ‘reasonable adjustment’ in line with disability legislation already in place.
- Providing alternative facilities for children who don’t want to conform to their biological sex will come at a significant cost for many schools. Schools should only be required to make ‘reasonable adjustment’ in line with disability legislation already in place.
- If a child who wishes to socially transition will require alternative toilets, changing rooms, or showers, schools should be allowed to refuse the request rather than going to quite extreme lengths to accommodate them.

Question 28 asks whether there is enough detail for schools and colleges to support children who do not wish to use accommodation for their sex in relation to boarding and overnight accommodation.

We suggest you answer “No” to question 28.

Question 29 asks in which areas schools and colleges need further guidance.

We suggest you tick the following boxes:

- How schools and colleges should make decisions about requests to access boarding and overnight accommodation designated for children of the opposite sex
- When schools and colleges should refuse a child's request to use different boarding and overnight accommodation while on a school or college trip

We suggest you make some of the following points in your own words:

- The guidance states that "No child should be allowed to share a room with a child of the opposite sex." The use of 'should' indicates that this is only guidance and not a legal requirement. The guidance should state that "Pupils must not be allowed to share a room with a child of the opposite biological sex."
- Schools should not be required to provide alternative arrangements at significant cost to children who do not wish to conform to the ordinary expectations for their biological sex.
- If a child who wishes to socially transition will require alternative accommodation, schools should be allowed to refuse the request rather than going to quite extreme lengths to accommodate them.

## **Uniform**

Question 30 asks whether this section provides enough detail for schools and colleges to respond to a gender-questioning child who makes a request in relation to uniform.

We suggest you answer "No" to question 30.

Question 31 asks which areas further guidance is required on uniforms.

We suggest you tick the following boxes:

- How schools and colleges should make a decision about a gender questioning child who makes a request in relation to uniform
- When schools and colleges might refuse a request in relation to a child wearing a different uniform

In explanation you could make some of the following points in your own words:

- The guidance makes provision for a gender-questioning child to be allowed to use the uniform of the opposite sex, whilst stating that "in general" they should "be held to the same uniform standards as other children of their sex." The guidance should state that gender-questioning children should not be allowed to use uniform of the opposite sex.
- Schools should not be put under pressure to allow a child to use the opposite sex uniform.
- Schools do not have the expertise to decide whether a child should be allowed to use the opposite sex uniform.

- ‘Sex’ is not defined in the language and terminology section lending some ambiguity to what this section means. It should be clarified that it refers to biological sex.
- Schools should be told that their uniform policies and practices must reflect the principle outlined in the guidance, that children’s legal sex is ALWAYS the same as their biological sex (p6) and that this can be cited in policies.
- It is not clear on what grounds schools can refuse a request to allow a child to wear a different uniform.

### **Physical Education and Sport**

Question 32 asks whether this section provides enough information on what to do if a gender questioning child asks to participate in a certain sport or activity with the opposite sex.

We suggest you answer “No” to question 32.

Question 33 asks in which areas further guidance is required to support children taking part in PE or sport.

We suggest you tick the following boxes:

- How schools and colleges should make a decision about whether a child can take part in a certain sport or activity.
- When schools and colleges should refuse a request in relation to a child taking part in a certain sport or activity

In explanation you could make some of the following points in your own words:

- The guidance helpfully says that “schools and colleges should adopt clear rules which mandate separate sex participation” in sports, and that “There can be no exception to this.”
- However, the guidance fails to rule out people of different biological sexes competing in sports.
- It is not clear when a school can refuse a request to participate in a sport of the opposite sex.
- For fairness as well as safety reasons, schools should never allow biological males to compete with biological females in sports where biological boys have an advantage or where there is a safety risk to the biological girls. The guidance should state this.
- Where sport’s national governing bodies issue guidance (as referenced in footnote 4), there may be no consideration in that guidance of the nature of the school environment, facilities or mixed aged or mixed sex activities and so it must only be considered in line with their other legal and safeguarding obligations.

Question 34 asks whether there is enough information to determine what is fair and safe.

We suggest you answer “No” to question 34.

Question 35 asks what further support should be included to help schools and colleges determine what is fair and safe in PE or sport.

We suggest you make some of these points in your own words.

- It is never likely to be fair or safe to allow biological males to compete against biological females in sports from secondary school onwards.
- As stated in the guidance, “boys are generally stronger, larger and heavier than girls, especially when they are going through or have been through puberty.”
- The guidance should rule out completely the possibility of biological males competing against biological females in sports from secondary school onwards.

### **Single Sex Schools**

Question 36 asks whether there is enough information to support single sex-schools in this section.

We suggest you answer “No” to question 36.

The guidance states that: “Single-sex schools can refuse to admit pupils of the opposite biological sex, regardless of whether the child is questioning their gender.”

We believe that the guidance should say: “Single sex schools **MUST** refuse to admit pupils of the opposite biological sex, regardless of whether the child is questioning their gender.

In your explanation answer to question 37 we suggest you make this point. Single sex schools should not merely be given permission to refuse to admit a pupil of the opposite sex, but should be required to do so.

You will not need to answer questions 38, or 39 unless you have experience of working in a single-sex school to share.

### **Public Sector Equality Duty**

Question 40 is about the public sector equality duty. Here we suggest you make some of the following points in your own words:

- People who have gender critical beliefs have a protected characteristic of belief which must be protected.
- All policies regarding gender questioning children must have regard to protecting the rights of those with the Christian belief that people are created male and female and that their biological sex cannot be changed (Genesis 1:27).
- Christians do not believe that children can or should be allowed to attempt to change their sex. This is a religious belief which is required to be respected and protected. This will apply to Christian parents, teachers, and pupils.

### **General**

Question 41 asks for comments on the overall approach of the guidance.

Question 42 asks for any further comments on the draft guidance.



We suggest that in response to these questions you make some of the following points in your own words:

- It is good that the guidance recognises that a child's legal sex is always the same as their biological sex.
- Christians believe that children should not be allowed to socially transition their gender. This belief constitutes a protected characteristic that is required to be respected. This applies to Christian teachers, pupils and parents.
- The government should change the law so that no child can be allowed to identify as anything other than their legal and biological gender.
- It is good that the guidance avoids referring to children as 'transgender' and instead uses language of 'gender questioning'.
- It is good that the guidance recognises that 'gender identity' is a contested belief.
- It is good that the guidance states that "Schools and colleges should not proactively initiate action towards a child's social transition."
- It is good that the guidance protects the rights of parents in requiring that parents are informed when a child requests to change gender.
- It is good that the guidance states that schools should not imply that contested views around gender identity are fact.
- It is good that the guidance requires children's sex to be recorded accurately – which means as their biological and legal sex.
- It is good that the guidance recognises the free speech rights of teachers and parents in stating that "no teacher or pupil should be compelled to use these preferred pronouns." Indeed, there should never be any sanction for referring to someone by their legal gender.
- It is good that the guidance protects single-sex spaces so that biological boys are not allowed into female toilets or changing rooms.
- It is good that the guidance makes clear that single-sex schools can refuse to admit pupils of the other biological sex, regardless of whether they are questioning their gender.
- The guidance should define 'sex' clearly in the language and terminology section so that there is no ambiguity in the rest of the document.
- It is not fair to place schools in the position of deciding whether a child should be allowed to socially transition. A clinical assessment should be required for this decision.