



Guide to responding to the government consultation on 'conversion therapy'

Deadline to respond: 4 February 2022

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The government is consulting on legislating to ban so-called 'conversion therapy'.

The government proposals will mean that conversations aimed at helping someone to change sexual orientation or gender identity will risk criminal sanctions unless a formal consent form has been signed in advance. The government proposes that children will not be able to consent to such conversations.

The proposals, while not as dangerous as some LGBT activists wanted, will still make it a criminal offence to challenge a child's transgender identity, or to engage in certain types of conversations without a consent form. Parents or those in pastoral ministry could be fined or imprisoned for presenting Biblical sexual morality. You can make your voice heard by responding to the consultation.

The consultation is **open to respond online** here: <https://equalityhub.citizenspace.com/government-equalities-office/banning-conversion-therapy/consultation/intro/>

The **consultation document** is available here:

<https://www.gov.uk/government/consultations/banning-conversion-therapy>

The deadline for responding is **Friday 4 February 2022**.

For more information about our position on 'conversion therapy' you can **read our FAQ on the subject**: <https://christianconcern.com/resource/conversion-therapy-faq/>

Guidance for responding to the consultation online

The government estimates that it will take 30-60 minutes to complete the consultation form. You can save your response part way through and come back to it later. You do not need to answer all the questions, though some are required. We consider that the questions about talking therapy are the most important ones to respond to.

Initial questions about you or your organisation

The consultation starts by asking if you are an individual or an organisation. If you are responding on behalf of an organisation, such as your church, you will be asked some questions about the organisation. The only question you are required to answer is roughly how many people are employed by your organisation.

If you are responding as an individual, you will be asked some questions about you, many of which are required, but some are optional. You must answer questions about your gender and sexual orientation, though 'prefer not to say' options are available for these questions. You are also required to say whether you have ever been offered or ever had conversion therapy. A 'prefer not to say option' is available for both of these.

Main focus of consultation

We recommend that the main points to focus on are the questions on ending conversion therapy in principle:

Banning conversion therapy

Closes 4 Feb 2022

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Views on banning conversion therapy

Do you agree or disagree that the Government should intervene to end conversion therapy in principle?

(Required)

- Strongly agree
- Somewhat agree
- Neither agree or disagree
- Somewhat disagree
- Strongly disagree
- Prefer not to say

And banning 'talking conversion therapy':

Banning conversion therapy

Closes 4 Feb 2022

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Targeting talking conversion therapy

The Government considers that delivering talking therapy with the intention of changing a person's sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and who has not consented or lacks the capacity to do so should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?

(Required)

- Strongly agree
- Somewhat agree
- Neither agree or disagree
- Somewhat disagree
- Strongly disagree
- Prefer not to say

Views on 'ending conversion therapy'

A general question is asked at the start of the consultation about intervention to end conversion therapy in principle:

Do you agree or disagree that the Government should intervene to end conversion therapy in principle?

We suggest selecting '**Strongly Disagree**' in answer to this question. An answer is required.

There is then space to explain the reasons for your answer. *In your own words* you can make some of the following points.

- Therapy or pastoral care for unwanted sexual attractions or gender identity struggles is not something that should be criminalised.
- Therapy is a private consensual conversation which the government should not be using the full force of the law to get involved with.
- The state should not be intervening in church pastoral work or prayer ministry. Any proposed new law risks criminalising Christian ministry or the expression of Christian beliefs on sexual morality and transgenderism.
- The proposed law would criminalise people for not being trans affirming, particularly in conversations with children. This would include parents, carers, social workers, youth workers or other friends or counsellors. Transgenderism is a hotly contested area in contemporary culture, and the law should not be intervening to say that children's transgender identities must be affirmed.
- Therapy can only be done by consent, therefore there is no need for a new law to intervene in this area.
- As the government states in its consultation document, there is no need for a new law on physical acts done in the name of 'conversion therapy' since abusive acts are already criminal offences.
- Any ban on so-called 'conversion therapy' will breach the human rights of those involved. It would breach Article 8 on Respect for your private and family life, Article 9 on Freedom of thought, belief and religion, and Article 10 on Freedom of expression.
- The consultation document admits that the evidence cited for the prevalence or alleged harm of 'conversion therapy' is self-reported evidence and so lacking any scientific credibility.

For these reasons we disagree with the government's proposals to intervene to end conversion therapy in principle.

Physical acts of conversion therapy

To what extent do you support, or not support, the Government's proposal for addressing physical acts of conversion therapy?

We suggest selecting '**Somewhat support**' in answer to this question. An answer is required, though a 'prefer not to say' option is available.

We are pleased that the government agrees with us that no new offence for physical acts is needed.

In the space to explain your answer you could make some of the following points, in your own words.

- The proposals recognise that no new laws are needed when it comes to physical acts. Any physical act done in the name of conversion therapy is already a crime.
- Any new overlapping offence would cause confusion in the criminal justice system.
- Physical acts should not be described as 'therapy'. We do not support the use of physical acts in therapy, other than consensual laying on of hands for prayer.

Talking conversion therapy

The Government considers that delivering talking therapy with the intention of changing a person's sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and who has not consented or lacks the capacity to do so should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?

We suggest selecting **'Strongly Disagree'** in answer to this question. An answer is required.

How far do you agree or disagree with the penalties being proposed?

Since we do not agree with introducing new penalties, we suggest answering **'Strongly Disagree'** in answer to this question. An answer is required and a 'prefer not to say' option is available.

Do you think that these proposals miss anything?

We suggest selecting **'Yes'** in answer to this question. An answer is required. Answering 'yes' enables you to provide an explanation for your views.

In the space to explain your answer you could make some of the following points, in your own words.

Issues affecting parents or conversations with children:

- This law would potentially criminalise a parent who talks to their child about gender or sexual identity issues and suggests that it is best to live according to your biological sex. Parents should not be criminalised for having such conversations.
- Outlawing therapy for under 18-year-olds, would ban someone from helping a child suffering with gender dysphoria. It would criminalise expressing gender critical views to vulnerable people or children. It is completely wrong for the law to step in in this draconian way.
- Should the law really criminalise helping a child live according to their biological gender? Studies show that over 80% of children with gender dysphoria recover from it through puberty. The Keira Bell case shows the difficulties of uncritically accepting a child's acquired identity.
- If a child cannot consent to talking therapy to help with identity issues, then they surely cannot consent to clinical treatment such as puberty-blocking drugs. The government's position is to only allow transgender affirming treatment, when many studies show that this is not best for the vast majority of children. The government should act to outlaw the provision of any clinical treatment relating to gender identity issues for children.
- Saying that under-18-year-olds cannot consent to so-called 'conversion therapy' is a breach of their Human Rights – articles 8, 9, and 10. They should be free to have a consensual private conversation to question their sexuality or gender identity.
- The proposals will create a legal concept of a 'transgender child' based on the child's self-identification as such. People will be prohibited by law from challenging such an acquired self-identification.
- Christian teachers who express Christian views on sexual ethics or transgenderism risk being criminalised for 'conversion therapy'. The government needs to protect the rights of teachers to express their views to children, particularly when they are directly asked by school pupils.

Issues affecting church ministry:

- It is not clear whether church pastoral ministry could be criminalised, or whether expressing Christian views on sexual morality could be criminalised, particularly when only one statement is enough to convict. The government needs to ensure that any new law will not criminalise any expressions of Christian sexual morality.
- Pastoral ministry involves informal conversations or prayer, often at the end of a service, without the formality of a legal 'consent form'. The government should not be criminalising certain types of private consensual conversations because no consent form was signed.
- Christians who uphold Biblical sexual morality could find themselves victims of sting operations by activists who record conversations in order to prosecute them for alleged coercive conversion therapy.
- The government needs to ensure that activists are not able to use the law to stop Christians from expressing Christian views on sexual morality or gender identities in church or pastoral settings.
- The threshold for an offence is only a one-off offence, which dramatically lowers the threshold and puts people at risk of accusations of coercion. This is in contrast to being accused of something like domestic abuse, which the CPS defines as *"a number of offences committed in a domestic environment."*
- Ex-LGBT people must be free to tell their stories to people without fear of being criminalised for 'conversion therapy'. This includes those who have de-transitioned from being transgender and who now regret attempting to change gender.
- The definition of coercion is not clear. It may include restricting church membership to those who live by a Biblical sexual ethic. This would be a serious impingement on religious freedom. It could also include church pastoral ministry. Church ministry must be protected from criminalisation by this new offence.

General points:

- The definition of 'lacking capacity to consent' needs to be very clear in law so that there is a clear defence for a therapist or pastoral worker who may later be targeted for an offence.
- Should the government really make it a criminal offence to counsel a vulnerable person about sexual or gender identities struggles that they may be having? Surely this is not an area for criminal sanctions.
- The effect of a new law will be to introduce a 'chilling effect' on legitimate therapy and conversations. If someone is suffering and perceived as vulnerable, then clinicians may fear accusations of coercion or of the client being unable to consent to therapy. This 'chilling effect' will harm clients who seek legitimate help as therapists will be put off helping by the risk of falling foul of the law.
- The proposals will make charities afraid to employ gender-critical staff, or staff who hold to Biblical sexual morality in case they are prosecuted for 'conversion therapy' by expressing their views.
- Peer-to-peer support groups like Sex Addicts Anonymous could find that their work is criminalised if what they say is alleged to be coercive.
- Therapy can only work by consent, therefore we do not disagree with the proposal that therapists should ensure that consent is obtained. Indeed, this is already standard practice for professional therapists.

Restricting the promotion of conversion therapy

The Government considers that Ofcom's Broadcasting Code already provides measures against the broadcast and promotion of conversion therapy. How far do you agree or disagree with this?

We suggest answering **'Strongly Agree'**. A 'prefer not to say' answer is available.

In the space to explain your answer you could make some of the following points in your own words.

- There is a 'de-facto' ban on the promotion of valid helpful therapy for people who want help with unwanted sexual attractions or gender confusion. This is harmful for those people who want to be helped in this way and are not able to find such help.

The government and Ofcom should not act to restrict discussion about the effects of the proposed ban on 'conversion therapy', or whether such a ban is desirable. This is a breach of the Human Right of Freedom of Expression (Article 10).

Do you know of any examples of broadcasting that you consider to be endorsing or promoting conversion therapy?

We suggest answer 'No'. There is space to give any examples which can be left blank.

We suggest you state in the space provided for examples that there are no examples because the debate has been shut down.

The Government considers that the existing codes set out by the Advertising Standards Authority and the Committee of Advertising Practice already prohibits the advertisement of conversion therapy. How far do you agree or disagree with this?

We suggest **'Strongly Agree'**.

Do you know of any examples of advertisements that you consider to be endorsing or promoting conversion therapy?

We suggest answering 'No' to this question. There is space to give any examples.

We suggest using the space for examples to state that there are no examples because there is a 'de-facto' ban on valid and helpful therapists from advertising their services to people who want to be helped in this way.

Protecting people from conversion therapy overseas

The consultation document describes proposals to introduce conversion therapy protection orders to tackle a gap in provision for victims of the practice. To what extent do you agree or disagree that there is a gap in the provision for victims of conversion therapy?

We suggest answering **'strongly disagree'** to this question. A 'prefer not to say' answer is available.

To what extent do you agree or disagree with our proposals for addressing this gap we have identified?

We suggest answering **'strongly disagree'** to this question. A 'prefer not to say' answer is available.

In the space to explain your answer you could make some of the following points, in your own words.

- We are not aware of anyone being taken abroad for 'conversion therapy' against their will. Therefore, there is no need for protection orders removing passports from people.
- It is not clear who can apply for these protection orders. Activists, or activist social workers could seek to apply for these orders for children whose parents believe in Christian sexual morality.
- The proposed law, though we disagree with it, would already protect people from 'conversion therapy' if they are under 18, and without consent if they are over 18. There is therefore no 'gap' in the proposals, and no need for protection orders.

Ensuring charities do not support conversion therapy

Charity trustees are the people who are responsible for governing a charity and directing how it is managed and run. The consultation document describes proposals whereby anyone found guilty of carrying out conversion therapy will have the case against them for being disqualified from serving as a trustee at any charity strengthened. To what extent do you agree or disagree with this approach?

We suggest answering '**strongly disagree**' to this question.

In the space you explain your answer you could express the following point in your own words.

- With the proposals as they stand, parents, pastors, and therapists who are gender critical or who advocate Christian sexual morality could be criminalised for expressing their views. This is not grounds for them to be disqualified from serving as a trustee of a charity, particularly from a Christian charity that promotes Christian sexual morality or gender-critical views.

Recognition by authorities of conversion therapy as a problem

To what extent do you agree or disagree that the following organisations are providing adequate action against people who might already be carrying out conversion therapy?

Here you are required to state the extent to which you believe that the Police, Crown Prosecution Service, or Other statutory services are providing protection against people carrying out conversion therapy. We suggest answering **'prefer not to say'** for all three.

In the space you explain your answer you can make the following points in your own words.

- This is a leading question which assumes that there are people who are carrying out harmful 'conversion therapy' that these organisations should take action against.
- Conversion therapy is a private consensual conversation. The state should not be interfering in such conversations.
- There is already a professional ban on 'conversion therapy'.
- It is not up to state organisations to protect people from consensual private conversations.
- People should be free to seek help from talking therapy for any issues they have with sexuality or gender identity without interference by the state.

To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy?

Here you are required to state the extent to which you believe that the Police, Crown Prosecution Service, or Other statutory services are providing support for victims of conversion therapy. We suggest answering **'prefer not to say'** for all three.

In the space where you explain your answer, you can make the similar points as for the previous question in your own words.

- This is a leading question that assumes that there are victims of consensual talking therapy who need support.
- It is not up to state organisations to protect people from consensual private conversations.
- People should be free to seek help from talking therapy for any issues they have with sexuality or gender identity without interference by the state.
- There is already a professional ban on 'conversion therapy'.
- Physical acts done in the name of 'conversion therapy' are already unlawful as the consultation document recognises. The police and other services should provide adequate support to any victims of such physical acts.
- Any support should also include support for those who have been only offered affirmative therapy for say gender transition which they now regret, and for which they blame the therapists who presented no alternative to them.

Do you think that these services can do more to support victims of conversion therapy?

A 'prefer not to say' answer is available.

In the space you explain your answer you can make the following points in your own words.

- This is a leading question which assumes that there are many victims of so-called conversion therapy.
- Therapy is a private consensual conversation. The government should not be interfering in private conversations.

- Physical acts done in the name of 'conversion therapy' are already unlawful as the consultation document recognises. The police and other services should provide adequate support to any victims of such physical acts.

Any support should also include support for those who have been only offered affirmative therapy for say gender transition which they now regret, and for which they blame the therapists who presented no alternative to them.

Economic appraisal

Do you have any evidence on the economic or financial costs or benefits of any of the proposals set out in the consultation?

You can answer 'no' to this question and pass on to the next question.

Equalities impacts appraisal

There is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act 2010. Do you have any evidence of the equalities impacts of any proposals set out in the consultation?

We suggest answering 'yes' to this question and making some of the following points as explanation in your own words.

- The proposals must not discriminate against people on the basis of their religious beliefs, in particular for Biblical beliefs on identity and sexual ethics.
- The proposals must not criminalise parents for advocating for Biblical sexual ethics.
- The proposals must not discriminate against ex-LGBT people for sharing their stories, including how they may have been helped by talking therapy or prayer.
- The proposals must not discriminate against those who have detransitioned after regretting gender change, by allowing them to share their stories, including how they may have been helped by talking therapy or prayer.
- The proposals must not criminalise legitimate pastoral activity by those advocating for Biblical sexual ethics.
- The proposals should not criminalise any private consensual conversation about sexual ethics or transgenderism.

Confidentiality

The final questions ask whether you would like your response to be treated as confidential. You can also provide an email address for your response to be sent to you as a PDF if you wish.

Thank you for taking valuable time to respond to this important consultation. Please do encourage as many people as you can to respond so that the voices of Christians are clearly heard in this process.