Technical guidance for schools in England consultation

This document is for information purposes only. You must submit your response to the consultation through the online survey. If you cannot use the online survey, or need a reasonable adjustment, you can:

- call us on 0161 829 8100
- email us at correspondence@equalityhumanrights.com

Summary Privacy Notice

We are conducting this consultation to gather feedback on our updated draft technical guidance for schools in England.

You must read the guidance before responding to this consultation.

The guidance advises on the obligations that the Equality Act 2010 places on schools in relation to pupils and the provision of education. Your answers to this consultation will be used to inform our work in this area and make sure that the guidance we offer is practical, accessible, and explains the law clearly.

How your data is processed and stored:

We undertake research under our statutory duties and the information you provide will only be processed under these powers for the purpose of research.

All information will be stored in line with our privacy notice, and we will publish a report of our research.

Do not provide any information that may identify you in free-text responses. There will be a question at the end of the survey with the option to provide your email address if you wish to take part in further research or be kept updated. Any information you provide will be anonymised in our published report and you will not be identified in any reports.

You will be given the opportunity to provide your organisation's name if you wish.

We may use artificial intelligence (AI) software to support our analysis, with human oversight verifying outputs. We will explain how AI has been used in the published report.

Some data may be collected through the SmartSurvey website when you complete the survey. To find out more about how SmartSurvey processes your data, read SmartSurvey's privacy policy.

By continuing with this survey, you agree to the transfer of your responses to questions from SmartSurvey to the Equality and Human Rights Commission and that your responses might be processed by a third party on our behalf.

Survey instructions:

If you wish to save a partially completed survey and return to it later, you will need to provide your email address. Your email address will not be saved with the rest of your responses.

Use the ‘Previous Page’ and ‘Next Page’ buttons to move between questions. There will be a ‘Finish Survey’ button at the end of the survey. However, SmartSurvey will automatically save your responses as you go through the survey. This means that if you start the survey but do not select ‘Finish Survey’, we will still receive and analyse the responses you have entered.

After you select ‘Finish Survey’, you will have the option to save or print your response. You will not be sent a copy of your response automatically, so ensure you save or print a copy if you need it for your records.

By continuing with this survey, you confirm that you have read and accepted the terms and conditions of this consultation survey outlined in this privacy notice.

Before you begin

This section checks that this is the right survey for you.

This survey is about the Technical guidance for schools in England. Is this the nation's survey you wish to respond to? Select one answer.

- Yes
- No

Do you wish to take part in this research? Select one answer.

- Yes
- No

Are you aged 16 years or over?

- Yes, I am aged 16 years or over
- No, I am aged under 16 years

Have you read the Technical guidance for schools in England? Select one answer.

- Yes
- No

Your response

This section asks about your response, including your background and how you think you will use the guidance. It also asks about any gaps in the guidance in relation to protected characteristics.

Are you responding as an individual, a legal professional, an education professional, or on behalf of an organisation? Select the answer that best describes your response type.

- An individual
- A legal professional
- An education professional
- An organisation
- Other (please specify): [Free-text response]

What type of organisation are you responding on behalf of? Select the answer that best describes your organisation.

- A school
- A trade union
- An advisory body
- A regulator
- An inspectorate
- Other (please specify): [Free-text response] A Christian legal advocacy organisation

Tell us the name of your organisation. This question is voluntary:

[Free-text response]Christian Legal Centre

Does your organisation's work focus on any of the following protected characteristics? Select all that apply.

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- not applicable

Are you responding on behalf of a child or children, or including some views from a child or children in your response?

Only people over 16 years old are able to respond to this consultation. We know that some people under the age of 16 years will want to feed back on this guidance. Select one option.

- The response is on behalf of a child or children
- The response includes some views from a child or children
- The response does not include any views from a child or children

How will you use the Technical guidance for schools in England? Select all that apply.

- To better understand my organisation's responsibilities under the Equality Act 2010
- To better understand what a child's education provider should be doing in relation to the Equality Act 2010
- To inform the advice that I give to individuals
- To inform the advice that I give to organisations
- To understand the law in a particular area
- For academic research or study
- To inform my campaigning on an area of interest
- To assist me in challenging the actions of an education provider
- I do not know
- Other (please specify): [Free-text response]

The guidance covers the experiences and needs of pupils with different protected characteristics. Tell us whether there is any information missing in relation to the following protected characteristics.

disability:

- Yes, there is information missing
- No, there is no information missing
- I do not know

gender reassignment:

- Yes, there is information missing
- No, there is no information missing
- I do not know

pregnancy and maternity:

- Yes, there is information missing
- No, there is no information missing
- I do not know

race:

- Yes, there is information missing
- No, there is no information missing
- I do not know

religion or belief:

- Yes, there is information missing
- No, there is no information missing
- I do not know

sex:

- Yes, there is information missing
- No, there is no information missing
- I do not know

sexual orientation:

- Yes, there is information missing
- No, there is no information missing
- I do not know

Tell us more about your response. For example, what protected characteristic information is missing

from the guidance? Your response must be fewer than 2000 characters.

[Free-text response]

The guidance does not adequately address competing protected characteristics and, in several areas, appears to adopt contested interpretations of the law.

First, the treatment of gender reassignment under section 7 Equality Act 2010 requires reconsideration. The guidance appears to suggest that there is no minimum age for the protected characteristic and that the threshold for becoming protected is extremely low. Section 7 itself contains no age requirement, but the absence of an express age limit does not establish that no age limit exists. Rather, Parliament left the matter unresolved. The Commission should not fill that gap without a clear legal basis.

The statutory language refers to a person "proposing to undergo", "undergoing" or having "undergone" a process for the purpose of reassigning sex. The parliamentary record indicates that this was intended to apply to those making a serious and enduring commitment to live permanently in the opposite sex. The guidance should therefore acknowledge the uncertainty surrounding the scope of section 7, particularly in relation to children and young people, and should avoid implying that any declaration of identity automatically attracts protection.

Secondly, the guidance does not adequately recognise that sexual orientation protection extends equally to those who identify as former gay or lesbian individuals. The protected characteristic covers orientation itself and should not be presented solely through the lens of LGBT identity. The Court of Appeal has recognised that differing experiences and understandings of sexual orientation may arise and should be respected.

Thirdly, the guidance appears to treat religion or belief differently from gender reassignment. While it correctly notes that Article 9 rights are qualified, it gives insufficient attention to the fact that rights associated with gender reassignment derive principally from Article 8, which is itself a qualified right requiring a fair balance between competing interests. The guidance should make clear that neither protected characteristic enjoys automatic priority and that schools must undertake a genuine balancing exercise where rights conflict.

Clarity of the guidance

This section asks for your feedback on how clear and accurate the guidance is.

Does the guidance clearly explain the important concepts in the Equality Act 2010, such as protected characteristics, discrimination, harassment, and victimisation?

- Yes
- No
- I do not know

Tell us how we could improve the way we define important concepts in the guidance. Your response must be fewer than 2000 characters:

[Free-text response] The guidance should be revised to reflect more accurately the Court of Appeal's judgment in Higgs v Farmor's School [2025] EWCA Civ 109.

Christian Legal Centre supported Mrs Higgs throughout the litigation and therefore has detailed knowledge of both the factual and legal issues considered by the Court. In our view, the guidance substantially understates the importance attached by the Court of Appeal to freedom of religion and freedom of expression.

The guidance suggests that less favourable treatment may be lawful where a school objects to the way a protected belief is expressed. However, Underhill LJ expressly held that dismissal or other detriment merely because an employer or third party objects to a protected belief, or to its expression, constitutes unlawful direct discrimination. The Court made clear that only objectively objectionable conduct may justify interference, and only where the response is proportionate.

The judgment repeatedly emphasises the high level of protection afforded to religious and political speech, particularly on matters of public interest. The Court reaffirmed that freedom of expression protects speech that may offend, shock or disturb and stressed that unpopular or controversial views do not lose protection simply because others strongly disagree with them.

The example at paragraph 3.42 is particularly concerning. The Commission has chosen an unnecessarily divisive example which risks portraying orthodox Christian beliefs concerning sexuality as inherently prejudiced. The suggested outcome is far from clear if the expression in question constitutes the manifestation of a Grainger-compliant belief and must be analysed in accordance with *Higgs* and *Ngole*.

This example is especially problematic because Mrs Higgs herself was accused of expressing objectionable views concerning homosexuality and gender identity. The Court of Appeal nevertheless wholly vindicated her claim, holding that dismissal was a disproportionate response.

The guidance adopts almost the opposite emphasis from the Court of Appeal. Rather than stressing the high threshold for interfering with religious expression, it gives the impression that schools enjoy a comparatively broad discretion to restrict manifestations of belief. The guidance should instead emphasise that any restriction requires careful and rigorous proportionality analysis and that neither offence nor disagreement is sufficient to justify less favourable treatment.

The guidance explains the obligations that the Equality Act 2010 places on schools. Tell us whether the explanations are clear in relation to the following areas:

Admissions:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

The provision of education and access to benefits, facilities and services for pupils:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

Exclusions from school:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

Making reasonable adjustments for disabled pupils:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

The positive action provisions of the Act:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

Dispute resolution and enforcement of the Act:

- Yes, the explanation is clear

- No, the explanation is not clear
- I do not know

Exceptions that apply generally across the Act and how they apply specifically to schools:

- Yes, the explanation is clear
- No, the explanation is not clear
- I do not know

Tell us how we could explain schools' responsibilities under the Equality Act 2010 more clearly. Your response must be fewer than 2000 characters:

[Free-text response] The guidance would benefit from a clearer explanation of how schools should reconcile competing rights and protected characteristics.

Paragraphs 3.42, 4.22 and 5.114 all involve examples presenting religious beliefs in the context of homophobia. The cumulative effect risks portraying orthodox religious beliefs as inherently problematic or discriminatory. There is a tendence in the guidance to portray religion or belief negatively, and sexual orientation and gender reassignment positively.

This approach contrasts with existing government guidance, including Equality Act guidance for schools and Relationships, Sex and Health Education guidance, both of which recognise the importance of maintaining the religious ethos of faith schools and permit schools to teach in accordance with their religious doctrines. The guidance would benefit from additional examples illustrating a positive treatment of Christian beliefs and schools.

The guidance would also benefit from greater clarity where the law remains uncertain. For example, paragraph 5.20 appears to suggest that schools should adapt uniform policies to accommodate gender reassignment. However, the legal position regarding social transition, gender questioning children and the extent of schools' obligations in this area remains subject to considerable debate and continuing policy development. The example risks presenting a contested position as settled law.

Similarly, paragraph 6.20 and several other examples assume the existence of "trans pupils" without acknowledging the more cautious approach now reflected in government safeguarding guidance and guidance concerning gender questioning children. Schools require clear guidance on how to balance safeguarding obligations, parental involvement, the welfare of the child and Equality Act duties.

Finally, paragraph 4.78 refers readers to paragraphs 10.46–10.47 for further guidance regarding trans pupils, although those paragraphs appear to add little to the subject identified.

Greater clarity and cross-referencing would assist schools in understanding their legal responsibilities.

How clearly does the guidance explain the duties that the Public Sector Equality Duty (PSED) places on schools?

- Very clearly
- Quite clearly
- Not very clearly
- Not clearly at all
- I do not know

How could we improve the explanation of the PSED in the Technical guidance for schools in England? Select all that apply.

- Add more detail on who the PSED applies to
- Include more signposting to extra information about the specific PSED duties
- Add more detail on what the PSED general duty requires
- Add more detail about what the specific PSED duties require
- Include extra information on what the PSED is relevant to in schools
- Make the PSED section less detailed
- Other (please specify): [Free-text response]

In the Technical guidance for schools in England, we define schools as follows:

"school: to refer to any school that has duties under the schools provisions of the Act, including:

- local authority-maintained schools, encompassing community schools, voluntary aided schools, voluntary controlled schools and foundation schools
- academy schools, including free schools, university technical colleges, studio schools, faith academies grammar schools
- private or independent schools
- special schools maintained by a local authority
- special schools not maintained by a local authority

- special post-16 institutions or colleges (whether maintained by a local authority or not)
- pupil referral units (PRUs)"

Is this an accurate definition of schools?

- Yes
- No
- I do not know

What would make the definition of schools more accurate? Select all that apply.

- The definition needs more detail
- The definition should include virtual schools
- The definition should include Education Otherwise Than At School (EOTAS)
- Other

Tell us more about your answer. Your response must be fewer than 2000 characters:

[Free-text response] The definition of "school" would benefit from greater precision. The guidance adopts a functional definition covering all institutions subject to the schools provisions of the Equality Act 2010. However, the categories listed do not all fall within a single statutory definition of "school" under education legislation. For example, special post-16 institutions and specialist colleges are generally treated separately from schools within education and SEND legislation. It would assist readers if the guidance clarified that this is a drafting convention for the purposes of the guidance rather than a legal definition.

The treatment of the Public Sector Equality Duty is legally accurate but adds relatively little to the existing government guidance on the Equality Act for schools. Much of the discussion concerning due regard, evidence gathering and decision-making already appears elsewhere.

The guidance would particularly benefit from further examples concerning the duty to foster good relations between persons who share a protected characteristic and those who do not. In practice, this aspect of the duty has sometimes been interpreted as requiring schools to affirm or promote the interests of one protected group without adequate consideration of the rights and beliefs of others.

For example, schools may place significant emphasis upon LGBT inclusion initiatives, identity affirmation or awareness activities whilst giving insufficient consideration to pupils holding protected religious or philosophical beliefs. Christian pupils may find their beliefs disregarded, characterised as harmful or treated as obstacles to inclusion. This risks undermining the requirement to foster good relations between groups.

The duty under section 149 is owed equally in respect of religion or belief. Schools should therefore be encouraged to consider the impact of policies and initiatives on all protected groups, including pupils with traditional religious beliefs concerning sex, marriage and sexuality.

Additional examples illustrating how schools can accommodate differing protected beliefs, promote mutual respect and avoid stigmatising religious viewpoints would assist schools considerably. The guidance should emphasise that fostering good relations is a reciprocal obligation requiring respect, tolerance and understanding between different groups, rather than the affirmation of one protected characteristic at the expense of another.

Does the guidance clearly explain who has legal obligations under the Equality Act 2010?

- Yes
- No
- I do not know

Should the guidance provide more clarity on any of these topics? Select all that apply.

- After school clubs
- Breakfast clubs
- UK schools abroad
- Work experience
- Other (please specify): [Free-text response]

Does the guidance take account of the law in relation to schools as the law applies for the start of the 2026 / 2027 academic year?

- Yes
- No
- I do not know

Tell us more about your answer. Your response must be fewer than 2000 characters:

[Free-text response] We do not consider that the guidance fully reflects the state of the law as it will apply at the commencement of the 2026/27 academic year.

First, the treatment of religion or belief does not adequately reflect recent case-law. The Court of Appeal in *Higgs v Farmor's School* emphasised the substantial protection afforded

to religious and philosophical expression, particularly on matters of public importance. The guidance places greater emphasis upon circumstances in which manifestations of belief may be restricted than upon the high threshold identified by the Court for justifying such interference.

Secondly, the guidance appears to adopt concepts such as "trans pupil" or "trans child" without acknowledging the considerable legal and policy developments that have occurred in recent years. Several examples appear to assume that social transition within schools is an established and uncontroversial practice. This sits uneasily with recent government guidance concerning gender questioning children, safeguarding responsibilities and parental involvement.

There are also missed opportunities to address areas in which schools frequently encounter Equality Act issues. After-school activities and work experience placements receive relatively little treatment despite often involving competing protected characteristics. Schools increasingly host a range of pupil-led groups and extracurricular activities, yet the guidance provides little assistance concerning the equal treatment of prayer groups, Christian societies and other faith-based clubs. Greater emphasis should be placed upon freedom of association and the importance of ensuring that pupils with religious beliefs are able to participate in school life on an equal basis with other groups.

Work experience placements can give rise to difficult issues concerning religion or belief. Christian pupils may experience discrimination, harassment or pressure to conceal their beliefs, particularly within workplaces holding socially progressive views on matters such as sex and sexuality. The guidance would benefit from practical examples addressing the protection of Christian pupils during placements and the responsibility of schools to ensure that religion or belief is treated on equal terms with other protected characteristics.

Guidance examples, breadth and depth

The next questions ask for your views on the examples contained in the guidance and the level of detail given in the guidance.

How much do you agree or disagree with the following statements?

The examples in the guidance are helpful:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The guidance needs more examples:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The examples in the guidance are realistic:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The examples in the guidance are accurate:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

Tell us how we could improve the examples used in the guidance. Your response must be fewer than 2000 characters:

[Free-text response] The examples would benefit from greater balance and realism. A disproportionate number of the examples present Christian beliefs as a source of difficulty, exclusion or conflict. This is particularly noticeable in examples concerning sexual orientation and gender reassignment, but it is not confined to those subjects (see e.g. para 5.112). Even where sexual orientation or gender reassignment are not in issue, Christian beliefs are often portrayed negatively or as creating problems requiring intervention.

By contrast, Judaism is generally treated through sympathetic examples which recognise the importance of religious observance and accommodation, while examples concerning Islam tend to focus upon uncontroversial matters of practice or belief. The cumulative effect creates the impression that protected Christian beliefs are primarily associated with discrimination, while other religions are unproblematic or sympathetic. Guidance intended to assist schools in balancing competing rights should avoid such unintended stereotyping.

The guidance would also benefit from examples reflecting recent legal developments. Court of Appeal judgments such as *Higgs v Farmor's School* and *Ngole, R (On the Application Of) v University of Sheffield* emphasise that individuals holding Christian beliefs on sex and gender remain protected under the Equality Act and that adverse treatment cannot be justified merely because others may find those beliefs offensive or upsetting. The cases are equally clear that holding and manifesting these beliefs is not inherently discriminatory. Practical examples demonstrating how schools should accommodate protected beliefs would greatly assist school leaders.

Finally, more examples are needed where schools are required to balance competing rights rather than assuming that one protected characteristic will ordinarily prevail. Such examples would better reflect the Equality Act's requirement of equal treatment and would provide schools with more realistic guidance for the situations they commonly encounter. Such examples would also help address the historical tendency to accord Biblical Christian beliefs reduced weight when balancing competing rights, despite recent case law making clear that s.10 does not occupy a subordinate position within the Equality Act framework.

Is any information missing from the guidance?

- Yes, there is a lot of information missing
- Yes, some information is missing
- No, all information is included
- I do not know

Tell us what information should be added to the guidance. Your response must be fewer than 2000 characters:

[Free-text response] Some important areas of law and practice are insufficiently addressed.

First, the guidance would benefit from additional examples involving Christianity which reflect the ordinary reality of school life. At present, Christian beliefs primarily appear in negative contexts, and this is unacceptable. The guidance would also benefit from more realistic examples addressing situations in which Christian pupils, parents or staff hold beliefs that differ from progressive views on sex or gender. Such examples should assist schools in balancing competing rights rather than approaching Christian beliefs principally as problems requiring management.

Secondly, the guidance would benefit from greater emphasis on situations where schools must accommodate and protect pupils and staff holding religious beliefs concerning sex, marriage, abortion, gender and other contested issues. More practical guidance is needed on protecting those who may experience detriment because of their religious beliefs.

Thirdly, additional guidance is needed regarding work experience placements, extracurricular activities, prayer groups and faith-based student associations. Schools frequently encounter issues concerning freedom of association, religious expression and the protection of pupils

from discrimination or harassment because of their religion or belief, yet these areas receive little detailed treatment.

Fourth, the guidance would benefit from fuller treatment of prevailing case-law. While multiple reference is made to *Women for Scotland*, subsequent developments such as *Ms B Hutchinson and Others v County Durham and Darlington NHS Foundation Trust* and *DE and FG v West Lothian Council* illustrate the increasing importance attached by the courts to sex-based rights and safeguarding considerations. More guidance on these issues would assist schools in navigating difficult questions relating to changing facilities, toilets, overnight accommodation and safeguarding.

Finally, the guidance should take more account of recent government policy developments concerning gender confused children, safeguarding and social transition in schools. The guidance should align with the direction of government policy and emerging case-law rather than adopting positions that remain the subject of ongoing legal and policy debate.

Tell us what other support we could offer to help schools understand and comply with the Equality Act 2010. Your response must be fewer than 2000 characters:

[Free-text response] The EHRC could provide additional practical support to schools through training materials, case studies and supplementary guidance dealing with areas in which schools frequently encounter difficulty.

In particular, more resources are needed on religion or belief as a protected characteristic. Schools would benefit from practical examples involving Christian pupils, parents and staff, including situations where beliefs concerning sexual orientation (particularly campaigning elements of it) and gender reassignment come into conflict with other protected characteristics. Such materials should assist schools in navigating competing rights and avoiding the marginalisation of religious beliefs.

In areas such as social transition and pronoun use, the emphasis should be upon explaining the current legal position, the existence of competing rights and the limits of legal obligations, rather than encouraging particular approaches on matters that remain legally and politically contested.

Additional training for governors and school leadership would also be beneficial. Such training should emphasise that religion or belief enjoys equal protection under the Equality Act and that schools should avoid treating Biblical religious beliefs as inherently discriminatory or incompatible with inclusion. Efforts should be made to positively frame Christianity, Christian beliefs and the contributions Christianity has made to society.

The EHRC may also wish to produce supplementary materials on safeguarding, parental rights and the interaction between sex, gender reassignment and religion or belief. These subjects continue to develop in law and policy, and schools would benefit from clear, legally accurate guidance.

Finally, the EHRC would also benefit from greater engagement with organisations that regularly represent individuals affected by these issues in practice. Given Christian Legal Centre's involvement in a number of leading cases concerning religion or belief and competing rights, the EHRC should consider collaborating with us in the development of future guidance and training materials. CLC's practical and litigation experience in these areas would assist in producing guidance that accurately reflects both the law and the challenges faced by schools, parents, pupils and staff.

Next steps

The remaining questions ask about what you might do in response to the guidance and your experience of accessing the guidance. There is also space for you to add any further comments.

What actions might you or your organisation take in response to the finalised Technical guidance for schools in England? Select all that apply.

- Review policies, practices or facilities
- Update policies
- Change practices
- Update staff training
- Other
- None - no action will be taken

Tell us more about your response. For example, which policies, practices or training will you change and how? Your response must be fewer than 2000 characters:

[Free-text response] Christian Legal Centre exists to support Christians who experience detriment because of their religious beliefs or the manifestation of those beliefs. We also provide legal support in matters involving the protection of single sex spaces and gender reassignment in schools. We receive approximately 1,000 enquiries each year from Christians seeking advice about issues arising in employment, education and public life.

The accuracy and balance of the technical guidance is therefore of considerable practical importance to our work. We regularly advise parents, pupils, teachers, schools and other organisations on their rights and obligations under the Equality Act 2010. We also provide training, educational materials and policy advice to schools and other bodies.

The cases in which we have acted include *Higgs v Farmor's School*, *Ngole, R (On the Application Of) v University of Sheffield*, *Mackereth v DWP*, *Montague v the Governing Body*

of Heavers Farm Primary School, *Page v Lord Chancellor & Anor.*, *Ms B Hutchinson and Others v County Durham and Darlington NHS Foundation Trust*, and both domestic and Strasbourg proceedings in *Eweida and Others v United Kingdom.* These cases have contributed to the development of the law relating to religion or belief, freedom of expression and competing protected characteristics.

If the guidance were amended to provide greater balance, more realistic examples and fuller engagement with recent case-law, this would directly inform the advice we provide, the training we deliver and the policies we recommend to schools and other organisations. It would assist us in helping educational institutions accommodate competing rights fairly and lawfully, reduce unnecessary conflict and support compliance with the Equality Act in a manner that affords equal weight to the rights of individuals with the protected characteristic of religion or belief. Where the technical guidance goes beyond established law and presents contested matters, including aspects of the guidance relating to "trans pupils", as settled legal requirements, it risks impairing our ability to provide accurate advice and support by taking sides in ongoing legal and societal debates rather than informing schools and the public of what the law currently requires.

How much do you agree or disagree with the following statements?

The guidance was easy to find on the EHRC website:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The guidance webpages were easy to use:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The guidance was accessible with assistive technology:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The language was easy to understand:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

The guidance structure was easy to navigate:

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

Where did you learn about this consultation? Select all that apply.

- Bluesky
- Facebook
- LinkedIn
- X
- EHRC news article
- EHRC newsletter
- EHRC website
- Other (please specify)

How did you read the guidance?

- I read the guidance on the webpages
- I read the guidance in the Microsoft Word document
- I used both the webpages and the Microsoft Word document

Tell us about any further comments you have about the Technical guidance for schools in England. Your response must be fewer than 2000 characters:

[Free-text response] Equality guidance should not inadvertently reinforce stereotypes about particular beliefs or communities.

A number of examples within the guidance associate Christian belief with hostility towards homosexuality and other negative stereotyping. The cumulative effect risks portraying Christian beliefs concerning sex, marriage and sexuality as inherently problematic or discriminatory. Equality guidance should avoid examples that repeatedly present one protected characteristic principally through the lens of conflict with another.

This is particularly notable because there are very few examples illustrating the positive contribution of religious belief within schools, the lawful maintenance of a religious ethos, or the accommodation of Christian pupils and staff who hold protected beliefs. The result is an imbalance in which religion or belief frequently appears as a source of difficulty, while sexual orientation and gender reassignment are generally presented only from the perspective of affirmation and inclusion.

The Equality Act does not establish a hierarchy of protected characteristics. Schools must balance competing rights fairly and proportionately.

The treatment of gender reassignment also raises concerns. The guidance appears to adopt an extra-statutory concept of the “trans pupil” or “trans child” which is not found within section 7 of the Equality Act. The Act protects persons proposing to undergo, undergoing or having undergone a process of gender reassignment, but it does not define a “trans child” nor prescribe the circumstances in which a child acquires that status.

This area of law and policy has undergone substantial change. Child referrals to the Tavistock GIDS increased from fewer than 100 annually in 2009–10 to more than 2,700 by 2019–20. The concerns raised by former patients, clinicians and whistleblowers, the litigation in *Bell v Tavistock*, and the subsequent Cass Review led to significant changes in NHS policy and the closure of GIDS. It also signalled a major change in government guidance about gender confused children focusing on caution and safeguarding rather than affirmation.

Against this background, the guidance should avoid presenting contested concepts as settled law. Schools require clear guidance that reflects the present state of the law.

This is the final question in the survey. After selecting 'Finish survey' you will not be able to go back and review your answers.

Provide your email address if you would like to be contacted about our future work or research in this area: