

WR 1

Dear sir or madam,

I would like to express my support for the initiatives taken by the Vale of Glamorgan Council in addressing the needs of transgender young people, but wanted to express my concern about the adoption of the transgender toolkit being planned.

I have a number of concerns, mainly to do with the lack of discussion and consultation on the toolkit which, rather than being developed to meet the needs of young people in the vale, is an almost exact copy of one produced by an English group. The adoption of the toolkit seems to be going ahead without consultation and discussion with relevant and interested parties in the county and it seems to also have been passed without due reference to the Equality Act 2010 or relevant other guidance.

In my view as a father and a professional involved in children and families social work, the toolkit has failed to address the needs and wishes of natal girls, for example around sharing changing rooms and competitive sports. I also feel that it fails to give due consideration to child development theory and the changes and confusions around adolescence and puberty. I have a 14 year old son who is going through physical changes and is worried enough about sharing changing rooms and has said that he would avoid PE if he had to get undressed with someone with a girl's body in the changing room.

As a Muslim, I am also concerned that this might deter some girls from partaking in events further increasing their marginalisation. Addressing these areas properly will require resources, which I am not aware has been considered.

With these concerns, I ask that you refer the report back to cabinet for redrafting, taking into account independent equalities assessment and feedback from a full consultation of those affected, as carried out by, for example, the Scottish government.

## ALLSORTS TOOLKIT SCRUTINY MEETING NOTES

May 2018

### The Impact on Girls

The current 'Toolkit' does not give proper consideration to the impact on female pupils of the proposed changes. This lack of inclusion is a serious failing and will have a negative impact on cohesion in school communities. The 'Toolkit' and supporting Equality Impact Statement take such a partial view that schools adopting it cannot be confident that they are complying with the Equality Act 2010.

1. We know that a large number of girls in schools experience sexual harassment [around 37 percent] and unwanted sexual touching [24 percent]. It goes largely unreported (the Times Educational Supplement published commissioned research on this in 2017). This should make issues around consent and boundaries a top priority for schools. However, throughout the Toolkit, the assumption is that the request of the trans identifying pupil to use female spaces should be centred. There are no references to the rights of girls to sex segregated spaces. The Toolkit offers several scenarios where a male bodied pupil identifying as a girl wishes to use a female only space. In each scenario, the burden of responsibility is placed on the girl or her parent to raise concerns. Staff are also instructed to "focus on the 'problem' being the person who raises the concern, and not the trans individual". Even an assertive, confident girl might well find it difficult to speak up about her right to boundaries in those circumstances – let alone a shy or anxious girl. One scenario in the Toolkit is presented as: "My daughter doesn't want a boy changing next to her, what if he looks at her body?" This really trivialises girls' concerns. Females who have experienced sexual abuse or assault may not want any male to see them undressing. Feeling in control of their own boundaries – not being forced to share intimate spaces

unwillingly – may be hugely important to them. Being told that a fellow pupil girls may well have known for several years as a boy is now a girl, and therefore girls should not feel uncomfortable undressing in the same space takes control over consent and boundaries away from females. Serious thought and consultation needs to happen about how trans pupils' needs can be accommodated alongside, not instead of, the rights of female pupils.

2. The vast majority of teenage girls will be learning how to deal with menstruation at school. They must be allowed to do this with dignity and privacy. Girls can often feel embarrassed about menstruating, or be subjected to mockery and bullying. The lack of consultation around menstruation undertaken for this Toolkit is glaring. The Toolkit makes one reference (7.5) to 'cisgendered females' expressing concern about single stall 'gender neutral' toilets. It mentions 'time spent in the toilet' as

the only indicator of when girls are menstruating. It does not mention girls having to wash menstrual blood off their hands at wash basins shared by boys and girls. It does not mention having to deal with bloodstained underwear or clothing, caused by an unexpected period or sanitary products leaking. These are all very common experiences especially for young girls dealing with their first few periods. Forcing these girls to use mixed sex waiting areas and handwashing facilities to deal with menstrual issues shows a total disregard for their needs. The Toolkit encourages the adoption of 'gender neutral' (or mixed sex) toilets throughout schools. But where this consists simply of closed cubicles with mixed sex queuing and handwashing facilities, it does not provide menstruating girls with the level of privacy that single sex facilities do. The Toolkit merely states: "There may also be a case for exploring how this range of needs can be met." This should have been a key area in consulting stakeholders, not dismissed as an unexplored possibility. It is deeply concerning that anyone involved thinks there may NOT be a case for accommodating the needs of menstruating girls.

3. The Toolkit overall seems to offer scenarios based on a pupil switching from one gender identity to another on a binary scale (ie males identifying as females, females identifying as males). But the Toolkit Glossary mentions quite a few terms included in the 'Trans' description. Some are 'gender fluid, non binary, gender variant' and 'genderless'. As the advice is to let pupils use whatever spaces and activities they feel best suits their gender identity, will pupils who identify as 'gender fluid' or 'non binary' be allowed to change their choices from week to week? Or day to day? Do school staff have any guidance on how to accommodate pupils like this, in a way that also takes into account the needs of other protected characteristic groups in a school? Are they confident they can prevent abuse of the system? What protection will a girl have from a former boyfriend they wish to limit contact with, if he claims to be 'gender fluid' and demands the right to use the same changing rooms as her?

It would appear that this decision has been ill-advised, has been made in haste and that an effective Equalities Impact Assessment has not been done.

Please can I ask that you refer the proposal back to cabinet, that a proper and independent EIA is executed and that further research and consultation is undertaken. We need to support trans identifying non-binary and gender non-conforming children in Vale schools and there is a place for a resource which aims to do this effectively. The proposed toolkit is not fit for this purpose.

Perhaps take a look at the document created by an organisation called Transgender Trend. Their schools resources pack is titled Supporting gender non-conforming and trans-identifying pupils in schools. (I'll append a link to it in my covering email.)

WR 3.

Learning and Culture Scrutiny Committee.

Agenda item: Transgender Toll kit report.

I am a Muslim parent and have a daughter in school in Penarth, I'm deeply concerned how this will affect her and her ability to take part in sports etc due to having the opposite sex using the same changing rooms.

I would definitely have to remove her from these activities, not only does it affect our religious boundaries it will affect our moral boundaries also.

I am interested what steps are being taken to safeguard the children who will have to share personal spaces with those who choose to 'change gender' .

My older daughter , along with 4 others were victim of sexual abuse by an older boy at their school. If this proposal goes ahead how do we safeguard our children?

I feel very strongly that our children are not being considered , and that risk assessments and safeguarding of our daughters are not being taken seriously in attempt to appease the minority.

I am very saddened by this current trend, and wholly disappointed that the average person is being overlooked by these proposals.

Myself and my husband have discussed this at length, and have decided if these proposals go ahead we will have to remove our daughter from school and look to home educate.

I know the majority of Muslim parents when made aware of this situation will do the same, which of course will cause a cultural divide amongst our children.

Please refer this report back to Cabinet for redrafting, a full independent Equality assessment and thorough and meaningful consultation with parents and faith groups.

With regards

WR 4

Dear Democratic Services,

I have registered to speak on Tuesday night but am aware that I may not be called. This is therefore my brief written submission to the Committee.

1) The Council has a clear legal and moral duty to ensure a safe and inclusive environment in its schools and other services for young people. A toolkit of advice may be a useful means to support that objective. My concern is whether the Council (though Cabinet) has properly considered all related issues in adopting the toolkit as proposed, and in particular whether it has made a robust decision in the light of its duties in the Equality Act 2010.

2) Please will Scrutiny Committee refer the item back to Cabinet, specifically requesting a proper and independent Equality Impact Assessment to be completed before they reconsider the best way to support that environment.

3) the decision as shown in the papers of Cabinet does not appear to have an adequate assessment. In particular, it only considers the impact for trans and gender questioning young people. The only reference to other groups sharing protected characteristics is that hinted at under 'negative impact in the EIA, mentioning 'people who may not share (this) mindset'. A robust assessment will look at other groups sharing protected characteristics which may be affected; it takes little thought to recognise that possible impacts on groups sharing characteristics of sex, faith and disability should be properly considered.

4) the failure to undertake a robust assessment undermines the Council's adherence to its ongoing Public Sector Equality Duty.

5) I am a long-serving local government officer and consultant, including serving as a Chief Officer in five upper-tier authorities. I have written Equality impact Assessments both in response to Court Judgements and to support decision making which have been tested up to the Appeal Court. I live in the Vale of Glamorgan.

Yours sincerely

Objections to the Transgender Toolkit propose for adoption by Vale of Glamorgan Council.

1. As a parent, I want my children to go to nursery, primary and secondary schools where gender stereotyping is actively challenged. I want them to learn that both girls and boys can be equally strong, equally kind and equally able.

2. As a parent, I want my children to be taught the truth about biology and sex, in whatever way is appropriate for their age. I do not want my children to be taught something for which there is no basis in science, that humans can change sex: they cannot.

3. As a parent, I am very aware that children experiment with roles, that is how they learn and develop. I do not want my children to be taught that gender or gender roles are fixed, nor that gender roles need to be matched to sex.

4. I do not want my children being taught about the concept of 'trans gender', at nursery or primary school, when it is quite outside their ability to understand.

5. Although I am aware that a few adults can suffer from gender dysphoria, I do not think it is appropriate for children to be taught about this condition, specifically, until they are in the last years at school.

6. As a parent, I do not want my daughters to have to share toilet or changing facilities with boys, once they reach puberty. Learning to manage menstruation is challenging enough, without having to do so in close proximity with boys.

7. It does not seem to me that proper consideration has been given, in developing the Transgender Toolkit, to the fact that 'sex' is a protected characteristic, under the Equality Act 2010. Both girls and boys have the right to single-sex accommodation to protect their privacy and dignity.

8. Clearly, as girls, like women, are more likely than boys to be sexually assaulted during their lifetime, this is particularly important for girls. The

provision of single-sex facilities is important for girls when they are attending to personal hygiene needs or changing clothes, not only to protect their privacy and dignity but as a matter of safety.

9. It is absolutely unacceptable to me, as a parent, that any child should be allowed to use the facilities provided for children of the opposite sex on the basis of their 'gender identity' rather than their sex. Gender identity is socially determined and infinitely changeable, even over an individual's lifetime; sex is immutable (cannot be changed).

10. All children, of both sexes and whatever their sexuality and gender identity, need to have their privacy, dignity and safety protected at school. I am concerned that the Transgender Toolkit undermines schools' ability to achieve this for all their pupils, particularly for girls.

I ask that your committee sees fit to refer the proposed toolkit back to cabinet for reconsideration and that a proper, independent Equality Impact Assessment be undertaken, considering the needs and rights of all children not solely the trans identifying child.

We should welcome the creation of an inclusive and supportive environment in our schools. Unfortunately, the toolkit which has been proposed falls short of fulfilling that remit.

Might I suggest an alternative toolkit be considered. One which was created by Transgender Trend, an organisation supporting trans youth, their parents and families. This organisation is recommended by Dr Polly Carmichael (of the Gender Identity Development Service at the Tavistock Clinic) as a positive resource for parents of gender questioning children.

<https://www.transgendertrend.com/wp-content/uploads/2018/02/Transgender-Trend-Resource-Pack-for-Schools.pdf>

HR 6.

Dear Sir/Madam

I'm writing to you to raise my concerns regarding the proposed trans inclusion toolkit which the Vale has selected to support trans identifying young people.

I enclose a <sup>2 copies</sup> copy of an alternative toolkit, from an organisation endorsed as a positive resource by Dr Polly Carmichael, lead clinician at the Gender Identity Development Service at the Tavistock clinic. (This organisation, Transgender Trend is frequently slandered by lobbying organisations such as Mermaids. Please, draw your own conclusions.)

I hope that you will be able to take the time to read the resource pack. As can easily be determined it is even handed and considers the rights, concerns and dignity of all children.

Also enclosed is an article from last week's Guardian touching on precisely this issue.

I ask that your committee to send the proposal back to cabinet and for a full and independent Equality Impact Assessment to be undertaken. I feel it would be very useful to extend the research and consultation.

Yours sincerely





# The Guardian



## Schools pulled into row over helping transgender children

As more teens come out as trans, experts clash over how schools should help

**Kim Thomas**

Tue 15 May 2018 11.21 BST

**M**iles Everitt, 18, thinks himself lucky to have been well supported by his school when he came out as transgender. Growing up female, he'd always preferred to wear boys' clothes and play the male character in online games; at secondary school, after he cut his hair short, many teachers assumed he was a boy. It was seeing a trans character on *Hollyoaks* and then reading blogs by young trans people on Tumblr that made him realise he could be transgender.

Three years ago he came out in a video he posted on Facebook. His mother's response was to go into his school at Wadebridge, Cornwall, to talk to Miles's "awesome" headteacher, Tina Yardley: "She went in, and said, 'My child wants to be called Miles,' and she [Yardley] was like, 'That's fine. We'll make sure all teachers call him that from now on'."

Miles says: "It meant my teachers were calling me the correct name and pronouns, and it means a lot to all trans people to be accepted and addressed in the right way."

As well as respecting Miles's new name and pronoun, Wadebridge school agreed he could use an accessible changing room for PE and the male staff toilets. Miles, who is now at college and

plans to study paramedic science at university, is taking testosterone to complete his transition and is planning gender reassignment surgery.

Schools are supporting increasing numbers of transgender students, using a variety of guidance from the teaching unions and charities such as Mermaids (which has a grant of £35,000 from the Department for Education to deliver training to 35 schools).

This rise is reflected in referrals to the children's Gender Identity Development Service (Gids), run by the Tavistock and Portman NHS trust, which increased by 1,978% - from 97 in 2009 to 2,016 in 2016-17. Of those children, 70% are biologically female.

Bernadette Wren, a clinical psychologist at Gids, says many young people seen by the service have been bullied or self-harm, and a number are on the autistic spectrum.

Hessle Academy in Yorkshire, which has three students transitioning from female to male, has used Mesmac, a local charity, to train staff on transgender issues, while Barnardo's has delivered assemblies and workshops to year 8 and 10 students. The school has also set up an email address that students can contact anonymously about their gender identity.

Sarah Young, the school's head, sees the increase in numbers identifying as transgender as largely positive: "These young people are being given the opportunity and support to come and talk to somebody earlier than they might have done in a previous time."

Now a fierce national debate over gender self-identification is spilling over into guidance for schools. On one side are those who think women and girls should be entitled to safe spaces that aren't automatically accessible to trans girls. On the other are those who believe all who identify as female should have full access to female toilets and changing rooms. Recently, Girlguiding leaders have protested about a policy that allows boys identifying as girls to share tents with girls on overnight trips.

Profound disagreement has arisen about what schools should do. Should they, in the words of a widely used toolkit from the Allsorts Youth Project in Brighton, "make visible and celebrate trans people"? Or take the "watchful waiting" approach advocated by the Transgender Trend pack, which warns schools to be "aware of the risk of 'social contagion' from celebrity trans internet vloggers who glamorise medical transition"?

Stephanie Davies-Arai, a parenting adviser, launched the Transgender Trend resource pack in February half-term, thinking it would barely get noticed. Instead, she says: "It just blew up". The LGBT lobby group Stonewall accused Transgender Trend, the organisation Davies-Arai set up two-and-a-half years ago, of spreading "damaging myths, panic and confusion", and advised local authorities not to use the pack. On Twitter, people piled in, with one describing the pack (which had been checked by lawyers) as a "modern edition of Mein Kampf".

Davies-Arai says she took an interest in the subject because as a child she had felt herself to be a boy, and she didn't think it was a good idea to label children like her as transgender because she believes that in some cases, these feelings resolve naturally by the end of adolescence.

While the Allsorts advice states that "trans pupils or students should have access to the changing room that corresponds to their gender identity" and that in PE lessons, students "should be enabled to participate in the activity which corresponds to their gender identity if this is what they request", Davies-Arai argues that shared changing rooms present difficulties for some girls. Few teenage girls will be willing to admit that they feel uncomfortable sharing a changing room with a biologically male student, she says.

She points out that the technical guidance on the Equality Act for schools suggests offering students “private changing facilities, such as the staff changing room or another suitable space” - the approach taken at Miles’s school.

Susie Green, CEO of the charity Mermaids, disagrees, saying the debate about single-sex toilets seems “engineered to whip up fear” and is equivalent to “arguing people of colour shouldn’t be allowed to use the same toilets as white people in case they make them dirty”.

Claire Birkenshaw, a transgender former headteacher, says the wide range of different advice creates confusion and conflict. “There needs to be clear statutory guidance for schools that incorporates the views of experts from education, the medical profession, the Equality and Human Rights Commission and trans people,” she says. “Rows about a vulnerable and marginalised group in education are not helpful.”

The EHRC is planning to issue guidance of its own next month, something Birkenshaw welcomes. “Schools want to support the transgender young person, but at the same time they’ll be reflecting on how other children may feel, on how staff are going to feel and parents.”

Davies-Arai says her broader concern is that by affirming students’ gender identity, schools may be nudging them down a route that can lead to cross-sex hormones and life-changing surgery without enough time to reflect. Teachers, she says, “are essentially being forced to collude in an experimental approach towards children with gender dysphoria”. She adds: “You can support children and accept them, without affirming their belief that their body is ‘wrong’.”

Adele Robinson (not her real name), a head of year at a secondary school, shares Davies-Arai’s worries. The school has had 12 children, all girls, come out as transgender in the past 18 months. The majority, she says, have autism, and some have experienced sexual abuse.

When they come out, she says, they have brought in information sourced from Tumblr blogs and YouTube videos. Although her team does its best to “support every child in a loving, kind and compassionate way”, she feels that staff are too frightened to challenge what she sees as harmful practices: “We have chest binders worn in school, which is horrible. If a child was cutting, they would be straight in with a counsellor. Yet damaging developing breast tissue goes unquestioned. It’s a gross failure in terms of child protection.”

Green disagrees, and argues for a biological underpinning to transgender identity: “If a child or young person consistently, insistently and persistently states their feelings, to ignore, punish or repress their gender identity would effectively be reparative therapy.”

At Wadebridge school, Miles’s former headteacher says: “You just have to put the child at the centre of everything to enable that child to feel comfortable and supported. The biggest message I’d want to get out is that this is not a transgender issue, this is a supporting young people issue.”

The best way of providing support is, however, something that the two sides seem unlikely to agree on.

This article was amended on 15 May 2018 because Wadebridge is in Cornwall, not Devon as an earlier version said.

## Since you’re here ...

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## Learning and Culture Scrutiny Committee Meeting

22 May 2018

### Statement from Cllr Ruba Sivagnanam

I am grateful to the committee to be able to submit this statement as part of the discussion tonight.

I support the principle of the toolkit as a mechanism to encourage and help schools in the Vale to achieve an inclusive environment for all its children. This toolkit and others arise from the legal requirements contained in equalities and human rights legislation which mean that local authorities have a duty to ensure that children with protected characteristics are not discriminated against and are treated equally.

It is against this backdrop that my main concern about the toolkit arises. In particular, in scenario 1 at page 32, it appears that a girl will be removed from a girls' changing room if she feels uncomfortable changing next to a boy who self identifies as a girl. It appears that in this scenario, the rights of the self-identifying transgender pupil are being promoted above those of the girl pupil.

My question to officers is this: has there been an equality impact assessment carried out in this scenario which takes into account the potential competing equality strands and protected characteristics, in this case sex and self-identifying transgender.

If the answer to this is yes, then the scenario is at best clumsily written; in my view it requires redrafting in order that it reflects and talks to the other equality strands not just sex but other protected characteristics such as faith, and disability. The approach here has not been joined up and I think poorly reflects the Vale's duty to promote equality for all protected characteristics.

However, at worst, if we have not carried out the EIA properly then the Vale may face the possibility of legal action. As a lawyer I am especially conscious of the possible consequences.

I feel that a better way forward is a scenario which supports both pupils equally. Of course this is a transgender toolkit, and as such it should and does promote transgender equality; my caveat would be that this and all toolkits should acknowledge and give regard to other relevant protected characteristics which may be affected when promoting a specific equality.

Appendix 1 in the toolkit sets out definitions of bullying and prejudice based incidents and includes all protected characteristics; this holistic approach is not reflected in the scenario and in my view means that we as a council may fall short in our duty to promote equality.

The Vale council has an obligation to ensure that our schools are safe and inclusive; we want young people questioning and self-identifying their gender to be educated in a safe, welcoming and inclusive environment. That is without doubt. I think this toolkit could be valuable in that process if it incorporates a holistic approach to equality.