

Safeguarding of Children in School and College

Privacy from the opposite sex

Teachers who claim to be the opposite sex

Political Impartiality



Protect & Teach

Introduction

Over the years schools have been working on the fictional view that children, and adults, can change sex; that the sex of a person is a choice they make. They have based many of their school policies on a mistaken understanding of the definition of 'woman' in the Equality Act 2010. Thanks to three women from Scotland the Supreme Court of the UK^{xxvii} have clarified that the definition of 'woman' in the Equality Act 2010 coherently and predictably means "*a biological female of any age*" and that it did not "*mean or sometimes mean or include a male of any age who holds a GRC (gender recognition certificate) or exclude a female of any age who holds a GRC (gender recognition certificate)*." ^{xxvii}

"The Supreme Court holds that the terms "man", "woman" and "sex" in the EA 2010 refer to biological sex. Lord Hodge, Lady Rose and Lady Simler give a joint judgment, with which the other Justices agree." ^{xxviii}

This ruling applies to children as well as adults. Children under the age of 18 cannot obtain a gender recognition certificate. As with adults if they are undergoing the process of changing their acquired gender, they have rights under the protected characteristic of gender reassignment. This does not, however, allow them free access to all female spaces.

There is no escaping the fact that in basing their definition of what a 'woman' is on fiction rather than fact schools have allowed safeguarding to be ignored. They have closed their eyes to the expectation that the safeguarding of children (i.e. any child to the age of 18) should be a priority. This applies whatever the status or funding of the school. Section 175 of the Education Act 2002ⁱ is clear:

175 Duties in relation to welfare of children

(1) A local authority shall make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting the welfare of children.

(2) The governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.

(3) The governing body of an institution within the further education sector shall make arrangements for ensuring that their functions relating to the conduct of the institution are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution.

(3A) The proprietor of a 16 to 19 Academy must make arrangements to ensure that the proprietor's functions relating to the conduct of the Academy are exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the Academy. ⁱⁱ

There are no caveats. Safeguarding advice for schools and colleges; laws; statutory and non-statutory guidance; refer to Section 175 of the Education Act 2002ⁱ repeatedly (see *Appendix 1*).

The results of ignoring safeguarding in school, especially for girls, has been reported on by OFSTEDⁱⁱⁱ and independent bodies (Independent Inquiry Into Child Sexual Abuse^{vii}, UK Feminista^{iv}, and Asleep at the Wheel^v among others). In addition to the general lack of safeguarding of children in school described in these reports Protect and Teach found three other main areas in which the safeguarding of children is being compromised by schools.

- Privacy from the opposite sex
- Creation of a sacred caste of males
 - Disclosure and Barring Service
 - Safeguarding Legislation and Non-Statutory Guidance
- Political impartiality

Privacy from the opposite sex

Government guidelines^{vi} state children over the age of 8 should be provided with single sex toilets, *except “where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time”*. There is no law, statutory or non-statutory guidance, which states boys who claim to be girls should be allowed into the girl’s toilets, and vice versa. Research by other groups^{vii} clearly indicate toilets need to be single sex as 98% of the time perpetrators of sexual violence (including peer-on-peer) are males^{viii}.

In 2024 Protect and Teach were concerned that those responsible for safeguarding, school managers and safeguarding leads (often one and the same), seem to be oblivious to the need toilets play in safeguarding children in school. As a result, Protect and Teach sent out Freedom of Information (FOI) requests to 10% of schools (the majority allowed under FOI rules) in Devon and Cornwall asking whether they had single sex or mixed sex toilets. We also asked whether the toilets were a safe space for girls. Protect and Teach are concerned to find that a significant number of schools were ignoring the school regulations on single sex toilets^{vi} and had converted single sex toilets to mixed sex/multi use ones.

The results of our FOI requests are especially concerning considering the 2021 review undertaken by OFSTEDⁱⁱⁱ into sexual harassment and sexual violence in schools and colleges. This review, which focussed on peer-on-peer sexual harassment and sexual violence, found that both forms of sexual abuse were more prevalent than adults realised, and girls reported that *“sexual harassment occurs so frequently that it has become ‘commonplace’”*ⁱⁱⁱ.

It does not take a genius to realise a lack of safeguarding in respect of toilets can only be having a detrimental effect on the attainment, progress, access, and participation, of girls in all areas of school life. By removing from girls a safe space to relieve themselves, to cope with menstruation, and have time out from boys who are sexually harassing them, girls are being expected to learn in an environment which deliberately places a controversial ideology before their safety.

This lack of safeguarding also ignores Keeping Children Safe in Education 2024^{ix} which exhorts schools to help *“identify any weakness in the school or colleges safeguarding system”*. Bearing in mind the statistical rise in male violence against women and girls and evidence from the Ministry of Justice that males who claim to be women commit more sexual violence than males who do not,^{xv} girls being expected to share toilets with boys is surely a weakness in the safeguarding system.

Finally, in 2018 results of Freedom of Information Requests by The Sunday Times^x showed that *“unisex changing rooms are more dangerous for women and girls than single-sex facilities”*. *‘Almost 90% of reported sexual assaults, harassment and voyeurism...happen in unisex facilities.’* ^x Boys do not suddenly become sexual predators when they leave school. They learn how to sexually abuse girls while still children, for schools to pretend they do not and that girls are safe in mixed sex toilets is naïve at best.

Creation of a sacred caste of teachers

While the idea of a 'transgender' child has been much discussed and investigated attention has been diverted from the 'transgender' teacher. There has been a slow, but determined, rise in the number of adults in school claiming to be non-binary or the opposite sex. The majority of these are males who claim to be women.

Adult females who claim to be the opposite sex do so for different reasons to men. For these women it is an escape from womanhood. This is still a safeguarding issue but as it has been constantly proved that males are more likely to be predators than females this section is directed at the inclusion in schools those males who claim to be women.

Research (see *Appendix 2* and *Appendix 2a*) shows that any male claiming to be the opposite sex has either a sexual fetish or a sexual paraphilia.

One well known male teacher who claims he is a woman is David/Debbie Hayton. He is proud to be an autogynophile (*sexual arousal of a male in response to the image of himself as female^{xi}*). By dressing each day at school in clothes designed for women he is making others, children and adults, become involved in his sexual paraphilia.



Debbie/David Hayton male teacher with autogynophilia

Schools do not expect the children and staff to validate teachers with the sexual paraphilias^{xi} of amokoscisia (to slash and mutilate women) or paraphilic infantilism (dressing or being treated like a baby) so it is hard to understand why they welcome teachers to parade their sexual paraphilia of autogynephilia.

It is also suprising when there is evidence that shows if a person *"has one paraphilic sexual interest, the likelihood that individual will have other paraphilic interests is dramatically increased."*^{xii}

To introduce such an adult with any visible form of sexual fetish/paraphilia into the school is not a benign act with regard to safeguarding of children.



A man who uses a latex mask as part of his idenity as a woman



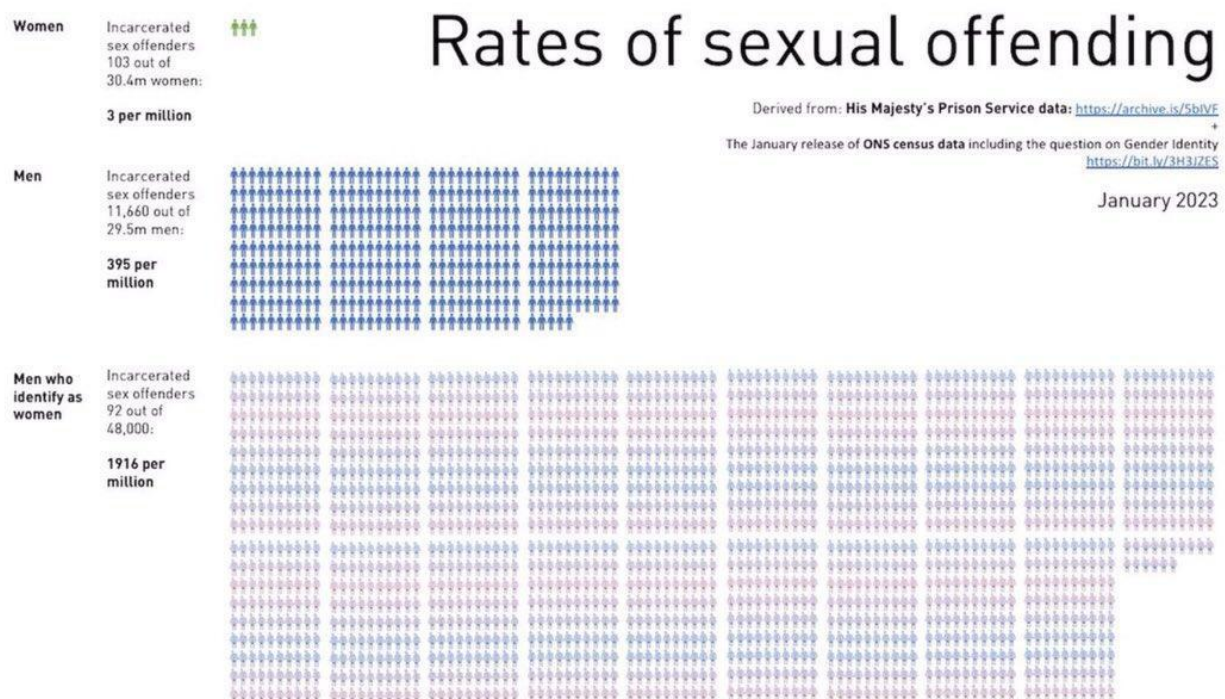
Kayla Lenieus, male teacher in Canada who wears large prosthetic breasts as part of his identity as a woman^{xiii}

School leaders who welcome men who claim to be women while ignoring their lived experience as males clearly removes safeguarding of the children from the school.

A 2011 a Swedish study^{xiv} concluded that males who claim to be women and had undergone 'sex-reassignment' are just as likely to commit violent crime as other men:

"..male-to-females had a significantly increased risk for crime compared to female controls (aHR 6.6; 95% CI 4.1–10.8) but not compared to males (aHR 0.8; 95% CI 0.5–1.2). This indicates that they retained a male pattern regarding criminality."

Later, in 2017, the UK Ministry of Justice^{xv} produced statistics on male prisoners who claimed to be women – not all of whom had undertaken 'sex reassignment'. The MOJ discovered that male prisoners who claimed to be women were a higher proportion of those who had committed sexual assault.



As Fair Play for Women^{xvi} concluded in 2020, after analysing the official Ministry of Justice statistics on males in prison who had committed sexual assault:

"Crime patterns correlate with birth sex and not gender identity."

This evidence is out in the public domain but appears to be a deliberately ignored by school leaders in order to appease a special group of males. Schools are choosing to remove basic safeguarding from the children in their care to appease the sex-based fetish/paraphilia of a group of males.

No distinction with regard to safeguarding has been made in this section for those teachers who have a Gender Recognition Certificate and those who do not. The possession of a Gender Recognition Certificate (GRC) is private between the teacher and their employer. In real life, as opposed to filtered photographs online, it is rare for an adult male to be able to 'pass' as a woman. The children, and staff, will know he is male.

Disclosure and Barring Service (DBS)

The males who come to school presenting as their idea of a woman are not only crashing through safeguarding legislation and guidance (see below) but are provided by the government with a method of hiding their past. This is a predator's dream.

School leaders and parents rely on the Disclosure and Barring Service^{xvii} (DBS) to provide basic level safeguarding for children. Yet, the details on a DBS rely on the adult being checked having told the truth in the first place.

To obtain a DBS an applicant must provide their name, sex, and details of any convictions. A person who considers themselves to be 'transgender' has two options in order to gain a DBS. Their first option is to choose to use the Sensitive Application service. This asks them to complete the same application form as any other applicant then allows them to choose whether any previous "gender identity" (sic) is disclosed to their employer, and/or on their DBS certificate.

The second route is basically to lie^{xviii}. The documents used to identify an individual can be easily changed via self-declaration. An applicant can choose to give their chosen name and sex and not disclose details of convictions. The Disclosure and Barring Service will not investigate, instead they take the details at face value.

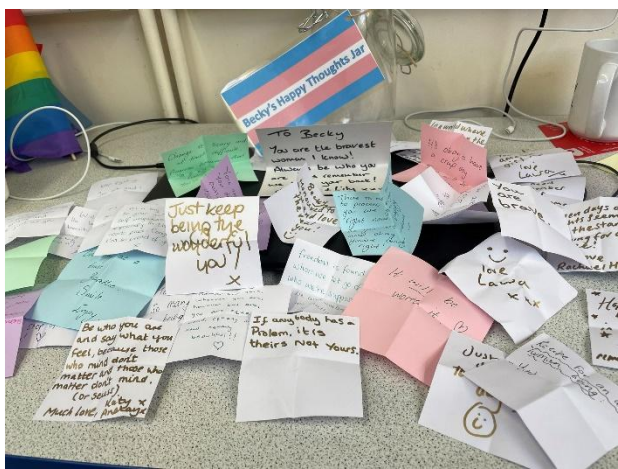
This is a huge safeguarding issue for schools who employ male teachers who claim to be women as they can easily choose to hide their past.

Safeguarding Legislation and Non-Statutory Guidance

The desires of any adult in school who claims to be the opposite sex, to have a 'gender identity' not in line with their birth sex, are being prioritised over basic child safeguarding practices.

The statutory guidance on which all schools should base their safeguarding policies is Keeping Children Safe in Education 2024 (KCSiE2024)^{ix}. The introduction to KCSiE 2024^{ix} is clear:

*"Schools and colleges in England **must** have regard to it [KCSiE 2024] when carrying out their duties to safeguard and promote the welfare of children."*



Presented to a male teacher by other staff when he claimed to be a woman

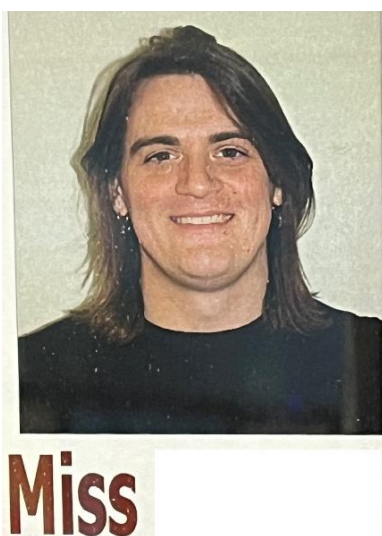
Yet, it is clear from school policies viewed by members of Protect and Teach that schools and colleges are ignoring this simple rule. School leaders and safeguarding leads are instead creating a caste of adults whose motives cannot be questioned. The dangers of this to children can be seen in the recent revelations about grooming gangs and the 2022 independent report into sexual abuse^{vii}. A wide-ranging report which "sets out the main findings about the extent to which State and non-State institutions failed in their duty of care to protect children from sexual abuse and exploitation and makes recommendations for reform."

Both the recent revelations about the extent of grooming gangs and the 2022 independent report^{vii} make clear that the sexual abuse of children is routinely covered up or ignored. This is due to fear of calling out males who had created a protective barrier around themselves. Males who had created the idea they were a special caste in the eyes of those who should be looking after children, both inside and outside schools.

Schools, and every adult in the school who supports the idea males can become women, are submitting to the idea of a special caste of man who can do no wrong. They are ignoring the power dynamics within the educational setting when they force children to be validators of adult desires; to be seen as something they are not, i.e. the opposite sex. Children rather than able to rely on schools to safeguard them are being *“treated as commodities at adults’ disposal to do with as they wish[ed].^{vii}”*

Sadly, schools which employ teachers who claim to be the opposite sex are basically ignoring all safeguarding principles. Whether the teacher is a new employee or been there for a number of years before claiming to be the opposite sex (even in one instance having originally been in the sixth form) KCSiE 2024^{ix} is clear; any adult selected to be employed in a school should not imply that adults and children are equal (which schools do when they impose adult desires on children), lack a recognition and/or understanding that children are vulnerable, or indicate negative safeguarding behaviours. Schools which employ teachers who claim to be the opposite sex are doing all three.

Protect and Teach has evidence that male teachers who claim to be women are demanding the children refer to them as ‘she/her’ and in one case at least a child was disciplined for referring to a teacher by their actual sex^{xviii}. This demands children become an active participant in the teacher’s immersive sexual role play. It also makes a mockery of KCSiE 2024^{ix} which calls for a child centred approach to safeguarding which *“should consider at all times what is in the best interests of the child^{ix}”*. Any school which demands a child deny the evidence of their eyes, and this example is just one among many, is deliberately allowing emotional blackmail of a child – ‘do as I say or you will be punished’. This suggests children are being used to validate the teacher (an adult) rather than have their needs and basic safeguarding put first. Instead the teacher and school is *“conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person^{ix}”*, i.e. the teacher who is claiming to be the opposite sex.



Male teacher who claims to be a woman, Buckinghamshire



202 likes

school This week in assembly, Miss shared her life experiences as a trans woman. As this week is trans awareness week, this gave an opportunity to discuss a topic, that can be difficult, with compassion and empathy. Students and staff alike were moved by Miss Journey.

What happens in schools who put the desires of adults above the needs and safeguarding of children if the adult wants to be referred to by none-regular pronouns, or neo pronouns? The list of neo pronouns can include^{xix}:

- Animals + Bugs e.g. chir/chirp/chirs/chirs/chirpself
- Nature/plants/outdoors e.g. leaf/leaf/leafs/leafs/leafself
- Horror/horror creatures/undead e.g. ghoul/ghoul/ghouls/ghouls/ghoulself
- Mythical/magic e.g. uni/unicorn/unis/unicorns/unicornself
- Food e.g. icing/icing/icings/icings/icingsself
- Cutesy e.g. plush/plush/plushs/plushs/plushself
- Tech + Math e.g. h3/h1m/h1s/h1s/h1mself (or h1ms3lf)
- Video Games e.g. xbox/xbox/xboxs/xboxs/xboxself
- TV Shows e.g. news/news/news/news/newssself
- Space and science e.g. sky/sky/skys/skys/skyself
- Music/instruments e.g. hip/hop/hips/hops/hiphopsself

Subject	Object	Possessive Determiner	Possessive Pronoun	Reflexive
ce	cir	cir	cirs	cirself
co	co	cos	cos	coself
cy	cyr	cyr	cyrs	cyrself
ey	em	eir	eirs	emself
he	him	his	his	himself
hey	hem	heir	heirs	hemself
ne	nem	nir	nirs	nemself
qui	quem	quis	quis	quemself
she	her	her	hers	herself
sie	hir	hir	hirs	hirself
tey	tem	teir	teirs	temself
they	them	their	theirs	themself
xe	xem	xyr	xyrs	xemself
xie	hir	hir	hirs	hirself
yo	yo	yos	yos	yoself
ze	zir	zir	zirs	zirself
ve	vis	ver	ver	verself

Figure 1: List from LGBT+ Nation

The use of sex-based pronouns was also included in the review of the Brighton and Hove City Council Trans Inclusion Schools Toolkit 2021^{xx} which Karon Monaghan KC was asked to review in 2024^{xxi}. The toolkit was used by schools in Brighton and Hove to inform their actions regarding gender identity ideology in school. It was focussed on the child who believes they may be the opposite sex, but her findings apply to adults too.

Regarding the use of pronouns which are not based on a person's birth sex Karon Monaghan KC states that this can be construed as:

indirect religion and belief discrimination under the EqA^{xxii}, and under Articles 9 and 10 and Article 2, Protocol No.1 and Article 14, HRA^{xxiii}.

Her legal view on the use of pronouns not based on a person's birth sex goes on to state:

the guidance on the use of pronouns will violate the rights of those who hold gender critical philosophical, or similar religious, beliefs, under the EqA^{xxii} and under the EqA^{xxii} and under Articles 9 and 10 and Article 2, Protocol No.1 and Article 14, HRA^{xxiii}



Male teacher who claims to be a woman. Teaches in the South West

The demand that male teachers are referred to by pronouns which do not align with their actual sex can also have an adverse effect on children with a parent who claims to be the opposite sex. The child is being allowed nowhere to express anything except full acceptance of gender identity ideology. The website 'Children of Transitioners^{xxiv}' has articles explaining just how destructive it can be when a child is expected to refer to a parent by other than their birth sex. The website 'Transwidows Voices^{xxv}' does the same for the partners of those who claim to be the opposite sex. Both websites make it clear that any adult claiming to be the opposite sex can have devastating effects on their family. Schools need to take this into account when blithely bringing in

teachers – important, powerful, adults in a child's life – who are claiming to be the opposite sex or who are supporting such an ideology.

This silencing of children cannot continue. Whether because of the overt or covert curriculum such silencing has a devastating effect on the children's emotional well-being. Those who have learnt their voices are not heard will silence them voluntarily. Schools should bear this in mind when putting the desires of teachers who claim to be the opposite sex over the rights of the children.

“Leaders should take a whole-school/college approach to developing a culture where all kinds of sexual harassment and online sexual abuse are recognised and addressed. To achieve this, schools and colleges need to create an environment where staff model respectful and appropriate behaviour, where children and young people are clear about what is acceptable and unacceptable behaviour, and where they are confident to ask for help and support when they need it.”ⁱⁱⁱ

If silencing of children is allowed to happen it can hardly be considered that the school or college is creating an environment where staff are modelling respectful and appropriate behaviour.

A male claiming he is a woman, without a Gender Recognition Certificate (GRC) is referred to as self-identifying as a woman. Self-identification has never been the lawful in this country.^{xxvi} As mentioned above, in a ruling handed down by the Supreme Court of the UK^{xxvii} on 16th April 2025, even men with a GRC are still classed as men with regard to the Equality Act 2010.

“the terms “man”, “woman” and “sex” in the EA 2010 refer to biological sex.”^{xxviii} (Press Summary – Judgement)

“a person with a GRC in the female gender does not come within the definition of a “woman” under the EA 2010”^{xxvii} (para 266)

“sex has its biological meaning throughout this legislation: “woman” always and only means a biological female of any age It follows that a biological male of any age cannot fall within this definition; and “woman” does not mean or sometimes mean or include a male of any age who holds a GRC or exclude a female of any age who holds a GRC.”^{xxvii} (para 209)

Those who claim to be the opposite sex, adult or child, still have the right not to be discriminated against under the protected characteristic of gender reassignment. This does not extend to them having access to spaces reserved for the opposite sex as these spaces are for those with the designated biological sex not certified sex (i.e. those with a GRC). A person claiming discrimination under the protected characteristic of gender reassignment, according to the Supreme Court^{xxvii}, would likely to be compared with a person without the protected characteristic of gender reassignment

“Where gender reassignment is the protected characteristic, in the case of a male person proposing to or undergoing gender reassignment to the opposite sex, the correct comparator is likely to be a man without the protected characteristic of gender reassignment and similarly for a woman (although there may be situations where the comparator's sex is immaterial to the comparison).”^{xxvii} (para 134).

Appendix 3 shows the difference having or not having a GRC can have with respect to the Equality Act 2010^{xxii} and the protected characteristic of gender reassignment.

Other parts of the Supreme Court judgement refer to a male's rights if he is 'perceived as a woman'. As mentioned above men rarely pass as much as they think, especially without filters. It would be hard to prove they are actually perceived as a woman once the fear of being sacked or punished for knowing they are a man is removed. The Supreme Court's judgment^{xxvii} that a man is a man and a woman is a woman gives schools the opportunity to reinstate solid safeguarding guidelines, based on fact not falsehoods.

Political Impartiality

It is difficult to understand why schools are promoting gender identity ideology, either via the overt or covert curriculum.

Gender identity ideology is based on a belief system. It is a belief system which has no solid foundation^{xxix} and is hotly contested. As gender identity ideology has been used to attempt to change law in the UK it can be characterised as a political issue.

The Department for Education statutory guidance on political impartiality in schools^{xxx} is clear; schools^{xxxi} must not encourage (or force pupils) to support or adopt a one-sided view expressed with a political purpose.

The guidance on political impartiality includes the legal requirements under:

- Equality Act 2010 (including the Public Sector Equality Duty for state-funded schools)^{xxii}
- Human Rights Act 1998^{xxiii}
- Prevent duty^{xxxi}

These legal duties mean schools:

- *must prohibit the promotion of partisan political views*
- *should take steps to ensure the balanced presentation of opposing views on political issues when they are brought to the attention of pupils^{xxx}*

The statutory guidance on political impartiality continues:

- *Under the teachers' standards^{xxxiii}, teachers must ensure that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law*

To achieve the aim of political impartiality schools are *required to actively promote the fundamental British values of:*

- *democracy*
- *the rule of law*
- *individual liberty*
- *mutual respect and tolerance of those with different faiths and beliefs^{xxx}*

Schools which allow teachers to claim to be the opposite sex, and be referred to as such, may be promoting the *individual liberty* of a staff member but they are ignoring both *the rule of law* and *mutual respect and tolerance of those with different faiths and beliefs* of both children and other staff members.

Schools who give credence to gender identity ideology, either through teachers who claim to be the opposite sex, activists within the school, or outside agencies, are supporting *systems that undermine fundamental British values^{xxxiv}*. This is *completely at odds with schools' duty to provide SMSC^{xxxiv}* (spiritual, moral, cultural,

mental and physical development). The requirement to support SMSC are set out in section 78 of the Education Act 2002^{xxxv}.

For school leaders and teachers who have lost their way it is worth referring back to the Teacher's Standards^{xxxiii}. The Teachers' Standards^{xxxiii} put safeguarding of the child, not feelings of an adult, at the core of Part 2: Personal and Professional Standards:

- *Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:*
- *and at all times observing proper boundaries appropriate to a teacher's professional position*
- *having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions*
- *ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.*

The Teachers' Standards^{xxxiii} remind practicing teachers that they cannot play fast and loose with statutory guidance but that:

- *Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.*

The Standards^{xxxiii} acknowledge that teachers should show *tolerance of and respect for the rights of others*. However, they also state that a teacher should not undermine democracy or the rule of law. At no point do the Standards^{xxxiii} suggest that the feelings of a teacher, or anyone else in the school, should undermine reality or deny children the right to safeguarding.

Investigations of policies produced by schools by Protect and Teach and anecdotes from teacher, parents, carers, grandparents, and members of the public^{xxxvi}, show schools are doing as they please. Schools are ignoring the Guidance on Political Impartiality^{xxx}, Teachers' Standards^{xxxiii} and Guidance on Promoting British Values in Schools^{xxxiv}. Many school policies wax lyrical about British Values while through their requirement that teachers who claim to be the opposite sex are referred to by wrong sex pronouns are basically denying children the opportunity to be politically impartial and to learn:

- *an understanding that the freedom to hold other faiths and beliefs is protected in law*
- *an acceptance that people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour^{xxxiv}*

Conclusion

In conclusion, schools are deliberately putting the desires of males, both children and adults, before safeguarding. They are knowingly gaslighting children, creating a special caste of males, while not being open with parents and creating a climate of fear.

Research by Protect and Teach found that the 2022/23 accounts for the Intercom Trust^{xxxvii}, an external agency have a presence in every secondary school in Cornwall and 27 out of the 52 in Devon. Yet we could find only 13 out of the 32 secondary schools/further education colleges in Cornwall mentioning the Intercom Trust on their website, in their policies, or on their web pages. The same reticence is shown by schools to letting parents know they are linked to the Brook Advisory service or other external agencies which promote

gender identity ideology as fact. This is a straightforward silencing of parents by deliberately hiding information from them.

Teachers we have spoken to have told us they are frightened to raise the issue of other teachers claiming to be the opposite sex at their school, for fear of losing their job. Those parents/carers/grandparents who know what is happening are worried if they raise the issue at their child/grandchild's school the child will then being punished and/or ostracised.

This is not a sustainable position for schools to be in. School leaders have been relying on ignorance and fear to allow them to flout government guidance and legislation. They no longer have this security net.

Should parents/carers decide to take action they not only have government legislation and guidance on safeguarding to support their complaint but the recent Supreme Court judgement^{xxvii} on the definition of 'woman' in the Equality Act 2010^{xxii} too.

"sex has its biological meaning throughout this legislation: "woman" always and only means a biological female of any age It follows that a biological male of any age cannot fall within this definition; and "woman" does not mean or sometimes mean or include a male of any age who holds a GRC or exclude a female of any age who holds a GRC."^{xxvii} (para 209)

In 2024 a high court ruled that expressing or supporting gender-critical beliefs doesn't amount to an assault on the rights of others.^{xxviii} The judge in this case also called out organisations which passively accept allegations of transphobia without considering that such allegations might be malicious. In 2024 a university lecturer (Jo Phoenix) won her unfair dismissal case against the Open University^{xxix}. The Employment Tribunal findings included reference to Jo having suffered victimisation and harassment, as well as direct discrimination, due to her belief that sex is biological, immutable and should be prioritised over gender identity. These judgements have only been strengthened by the recent Supreme Court judgement^{xxviii}.

This is also an opportune point to remind school leaders that women are starting to stand up for the rights to safety, dignity, and privacy they have in law. Currently women only changing rooms (and toilets) are the hot topic on social media. There are at least two cases are going through court at the moment where female staff (in the NHS) have objected to male staff members using their changing facilities. These cases have thrown light on the workplace regulations (section 20)^{xi} which states there should be separate facilities for females and males unless they are single-user fully enclosed rooms. Cases such as these and the Supreme Court judgement^{xxvii} (that 'woman' means a biological female of any age) are important for schools as any school leader allowing male of any age to use the female toilets is opening themselves up to being the next legal challenge. All it takes is one parent, grandparent, carer, or member of school staff to take courage from these ongoing cases and the Supreme Court judgement to decide to object to males in their children's school being in female spaces and removing safeguarding boundaries.

Even the Labour government, whose MPs previously expressed views along the lines of "99.9% of women don't have a penis"^{xli} or "female facilities are the right place for males with gender recognition certificates"^{xliv} are now aligning themselves with the Supreme Court judgement that a woman is a female of any age, never a male with or without a gender recognition certificate.



Rosie Duffield MP
@RosieDuffield1

Female nursing staff should not be expected by the NHS to get changed in front of their male colleagues, no matter how they identify, the Minister of Health confirmed to me today. (And #StandWithSandiePeggie, obviously).



13:39 · 11/02/2025 · 485K Views

Wes Streeting (Secretary of State for Health and Social Care) agreeing with Rosie Duffield MP

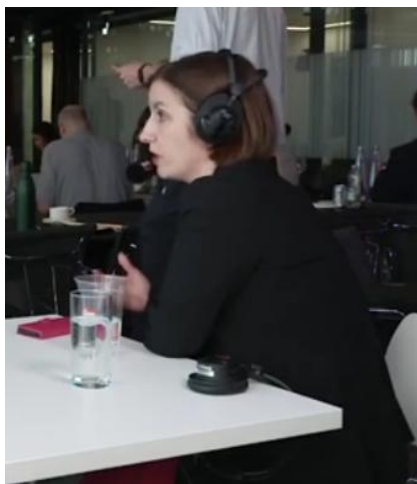


Protect & Teach

In the recent debate in parliament^{xlii} to discuss the Supreme Court judgement Bridget Phillipson MP (in her role as Minister of for Women and Equalities) also stated clearly that the Cass Review^{xliii} will inform the guidance on gender-questioning children which is due out later this year:

“we have had the final review by Dr Hilary Cass published. It is right that we ensure that the guidance aligns with Dr Cass’s final review.”

This suggests the current government it is unlikely to legislate the removal of safeguarding of children to validate the feelings of adults. Schools need to be ready for this and have robust safeguarding strategies in place, strategies based on the sound safeguarding principles in government guidance and law (see *Appendix 1* for a list of government guidance and law which refers to sound safeguarding principles).



Shadow education secretary Bridget Phillipson argued that female facilities were the right place for males with gender recognition certificates.^{xliv}



Office for Equality and Opportunity^{xlv}



Assembly celebrating gender identity ideology. A school in the South West

Resources

- i Education Act 2002, Section 175
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- ii See section 1 of Education and Training (Welfare of Children) Act 2021
The Education Act 2002 was amended to extend the safeguarding provision, Section 175, to include academies catering for those aged 16-19.
<https://www.legislation.gov.uk/ukpga/2021/16/section/1>
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- iv Written submission from UK Feminista (SVS0029)
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- v Asleep at the Wheel: An Examination of Gender and Safeguarding in Schools, 2023
https://policyexchange.org.uk/publication/asleep-at-the-wheel/#contents_accordion
- vi Advice on standards for school premises: For local authorities, proprietors, school leaders, school staff and governing bodies, 2015: ISS Regulation 23A section B
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- xi List of paraphilias
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- xii On the Science of Changing Sex: Posted in Science Criticism by Kay Brown on August 15, 2016
<https://sillyolme.wordpress.com/2016/08/15/dangerous-thoughts/>
- xiii Twitter/X 14 Sept 2022
[@hippojuicefilm](https://twitter.com/hippojuicefilm)
- xiv Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden, 2011
<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

- xv Fair Play for Women: Half of all transgender prisoners are sex offenders or dangerous category A inmates, 2017
<https://fairplayforwomen.com/transgender-prisoners/>
- xvi Fair Play for Women: Transgender women exhibit a male-type pattern of criminality: Implications for legislators and policy makers. 2020
<https://fairplayforwomen.com/transgender-male-criminality-sex-offences/>
- xvii ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021
Disclosure and Barring Service
<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-1-july-2021>
- xviii JC School, Buckinghamshire
The teacher was originally a pupil at the school and taught for numerous years as his birth sex. He has basically shortened his first name and grown out his hair and now calls himself a woman.
- xix Neopronouns List
<https://neopronounslist.carrd.co/>
- xx Brighton and Hove Trans Inclusion Toolkit, 2021
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- xxi Advice on the lawfulness of the guidance contained in the Brighton and Hove City Council's (BHCC), Karon Monaghan KC
<https://content.doyleclayton.co.uk/hubfs/Advice of Karon Monaghan KC.pdf>
- xxii Equality Act 2010
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- xxiii Human Rights Act 1998
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- xxiv Children of Transitioners
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- xxv TransWidows Voices
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- xxvi Kemi Badenoch (The Minister for Women and Equalities, 2023) stating self-identification is not the law in this country
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- xxvii JUDGMENT For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent), 16 April 2025
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- xxx Guidance on Political impartiality in schools, 2022
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<https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools>
- xxxi Within the Department for Education *Guidance on Political impartiality in schools, 2022* “the term ‘schools’ is used to refer to all those subject to legal duties including: local authorities, school proprietors, governing bodies, academy trusts (including senior managers and academy trustees), headteachers and executive leaders (for maintained schools and academies)”
<https://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools>
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- xxxiii Teachers’ Standards: Guidance for school leaders, school staff and governing bodies, 2024
Department for Education:
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Department of Education
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- xxxv Education Act 2002, Section 78
<https://www.legislation.gov.uk/ukpga/2002/32/section/78>
- xxxvi Protect and Teach have undertaken several street events where we have asked the public their views on the claim people can change sex. Many have then informed us about what is happening in their child’s or grandchild’s school: the insistence on children being made to support gender identity ideology in school in various ways.
- xxxvii Intercom Trust Annual Report, 2022/2023
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- xxxix Employment Tribunal, Jo Phoenix v The Open University, 2021
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- xli Mail Online: Keir Starmer says 99.9% of women 'of course haven't got a penis'
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