



# HUNG OUT TO DRY

The impact of Welsh Government inaction on gender distressed children, their families and their schools

***A report by Merched Cymru***

**MERCHED**  
CYMRU

**"We're just lost"**

**"No policy. No  
guidance at all"**

**"It's caused a huge  
rift in our family"**

**"We're being  
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**"No one wants to take  
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**Merched Cymru (Women of Wales) is a grassroots group of ordinary women from across Wales who are working to protect and strengthen the sex-based rights of women and girls.**

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# HUNG OUT TO DRY

## The impact of Welsh Government inaction on gender distressed children, their families and their schools

### Summary

Schools in Wales urgently need clear, legally compliant guidance<sup>1</sup> from Welsh Government on making decisions regarding gender distressed or questioning pupils.

In the absence of such guidance, schools are taking widely varying approaches, often steered by advice or toolkits from transgender campaigning organisations that have a track record of misrepresenting the law, and without expert input on whether that is in the best interests of the child.

These approaches include:

- Unquestioning affirmation of children's 'trans' identities
- Facilitating and encouraging social transition on the basis of self-diagnosis
- Concealing information from parents
- Allowing access to opposite sex facilities
- Forced or coerced speech
- Not considering other reasons why a pupil may be struggling with identity issues
- Failing to facilitate access to holistic support.

1. Relevant legislation includes the Equality Act 2010, the Human Rights Act 1998, safeguarding legislation/ Working Together, the Education Act 1996, the Education (School Premises) Regulations 1999 (regarding single-sex toilet provision).

Quotes in **black with a sidebar** are taken from the responses to the Freedom of Information requests. Quotes in **green with a quotation mark** are taken from interviews with parents and teachers carried out between June 2023 and January 2024.

Such approaches are incompatible with long-established and universally accepted safeguarding principles and fail to respect the privacy, safety and dignity of other children, including those with other protected characteristics. These approaches also ignore the right to belief of children, teachers and other school staff as protected under the Equality Act 2010. They are doing real harm to children and their families, as our case studies show.

They put teachers in the position of making decisions for which they are not trained or qualified – as Dr Hilary Cass observes in her review of gender identity services, “...it is important to view [social transition] as **an active intervention** because it may have significant effects on the child or young person in terms of their psychological functioning,”<sup>2</sup> – and leave schools open to the risk of costly legal challenges. As one teacher we spoke to commented, they are being “hung out to dry”.

■ ■ [My daughter] was their first non-binary student and there were no guidelines at all at that time. Everyone wanted to support her and that meant just going along with everything.

*Parent*

■ ■ In schools we have policies and guidance for everything. But not this. You come to this and there's no policy, no guidance at all. No one wants to take responsibility. We're being hung out to dry.

*Teacher*

2. Cass, Hilary. 2022. 'Interim Report – Cass Review'. Cass Independent Review <https://cass.independent-review.uk/publications/interim-report/>

## Key findings

- Every single school of the 68 that responded to the FOI requests said that yes, they would facilitate a gender transition.
- A significant minority of schools are treating young people as if they had actually changed sex, providing access to toilets, changing rooms and even sleeping accommodation intended for the opposite sex on the basis of a child's self-declared trans identity.
- Many schools are facilitating social transition without informing parents, allowing children to decide whether or not their parents should be included. Processes ranged from 'we wouldn't tell anyone' to routine involvement of local authority safeguarding contacts. In some cases, external LGBTQ+ organisations might be involved but not parents.
- The majority of schools that responded appear to be allowing children to choose to play sports with the opposite sex if they wish to, with clear implications for safety and fair competition<sup>3</sup>.
- Seventeen (25%) schools took approaches which could be described as highly ideological (supporting access to opposite sex facilities, using the language of transgender campaigning groups in the responses). Most of these were following 'transgender inclusion' policies already dropped by other local authorities, which were either influenced by or adopted wholesale from toolkits provided by transgender advocacy organisations.
- Eleven schools provided written trans inclusion policies. These were highly ideological, instructing schools to affirm trans identities on children's request, to hide this information from parents unless the child agrees to share it, and to allow children access to the toilets, sports, dormitories and changing rooms of their choice. They were often legally inaccurate and took no account of the rights of other pupils or of teachers and other school staff.
- Where schools have had training and input on this topic it has come overwhelmingly from trans-advocacy organisations (such as Stonewall Cymru or Proud Trust) or organisations which have taken a strongly trans-affirming position (such as Brook). One school's policy was developed with input from a local trans adult support group.

3. Fair Play For Women. 2024. 'NEW REPORT: How Trans Inclusion in Sport Is Harming Women and Girls'. Fair Play For Women. 13 January. <https://fairplayforwomen.com/new-report-how-trans-inclusion-in-sport-is-harming-women-and-girls/>

## About this research

Merched Cymru decided to carry out this research because parents and teachers had been contacting us with concerns that there was an inconsistent range of often troubling approaches in schools to dealing with gender distressed or questioning children. Quotes from those who contacted us appear throughout this report (in green text marked with a quote mark). More detailed case studies are outlined in Appendix 2.

Together with widespread confusion around the legal context among school staff and governors and repeated delays to the publication of Welsh Government guidance, this was having a negative impact on children and leaving schools and local authorities open to the risk of legal action.

Initially, the research findings were intended only to inform Merched Cymru's response to the consultation on the promised Welsh Government Trans Inclusion Guidance for Schools. We have, however, decided to publish this report because of delays in publishing draft guidance and our concern about how children – and girls in particular – could be affected by the approaches highlighted in the responses to our questions. We are publishing the findings without identifying individual schools since the aim of this report is not to name and shame, but to raise awareness, encourage responsible action, and make recommendations to Welsh Government and others.

In March 2023 the Policy Exchange published *Asleep at the Wheel: An Examination of Gender and Safeguarding in Schools*<sup>4</sup> which used the Freedom of Information Act 2000 as a means of gathering relevant data in England. We adapted that methodology as a basis for our own research in Wales.

We sent Freedom of Information (FOI) requests to a sample of secondary schools in every local authority in Wales, including a range of English and Welsh medium schools, and larger and smaller school rolls across all local authorities.

- At least one response was received from 21 of the 22 local authority areas in Wales (Merthyr Tydfil being the only exception)
- Eighty-four requests were sent out
- Sixty-eight responses were received (an 81% response rate).

The advantage of FOI requests over a questionnaire is that schools have an obligation to respond, although many clearly did not want to and a minority failed to provide a response, despite repeated requests. Nevertheless, we are confident that the use of FOIs gave a significantly higher response rate than a questionnaire.

<sup>4</sup> Policy Exchange. 2023. 'Asleep at the Wheel: An Examination of Gender and Safeguarding in Schools'. <https://policyexchange.org.uk/publication/asleep-at-the-wheel/>



Of the 68 schools that responded, all but one were state schools. Four schools were linked to religious denominations. The majority were English medium schools, with five of those being English medium with significant Welsh. Eighteen schools were designated bilingual or Welsh medium schools.

We did approach private schools, which are not subject to the Freedom of Information Act 2000. Most declined to answer the questions, with one exception, which provided their trans inclusion policy. This describes how they support trans-identifying children to transfer to the opposite sex boarding house.

In the main, schools clearly did not want to answer these questions. Several schools did not provide answers to some questions but did provide the policy they work from.

Seventeen (25%) tried to use FoI exemptions that the information was not held in a written form to avoid providing more than the absolute minimum. More information was provided in some cases following a request for review. One claimed that disclosing which external suppliers they had worked with could cause physical or mental harm to someone.

Several tried to claim, incorrectly, that they couldn't disclose any information as the request came from someone unconnected with the school.

Information provided was often minimal and cryptic. It was apparent that a form response was circulating among schools in north Wales, with multiple schools providing identically worded responses.

While the responses to our FoI requests are clearly public information, we've chosen not to identify the schools that responded to our requests, and whose responses we've quoted. We consider schools and teachers to have been appallingly let down by a national failure to provide safe, lawful, workable guidance that protects children and allows schools to focus on teaching, not on making contentious, legally risky decisions with potentially harmful long-term consequences for the children involved.

## Policies

The eleven written policies provided all present a highly controversial political position – that a person’s internal sense of their gender identity overrides their biological sex – as if it were uncontested fact. For example, one stated that:

**Pupils and students have the right to access the toilet that corresponds to their gender identity.**

- Six provided the West Glamorgan Safeguarding Board (WGSB) policy (five in the Swansea local authority area, one in Neath Port Talbot), which is based on a template developed by the transgender advocacy group, the Allsorts Youth Project, based in Sussex, England (There is a fuller discussion of the WGSB policy and others in Appendix 3)
- Four had adopted their own policies. One of these was based on the Denbighshire County Council policy which was withdrawn sometime in 2018/19, and another the Flintshire County Council policy, which was also withdrawn several years ago. Both are based on the Allsorts toolkit
- One school provided a link to the Scottish schools’ guidance.

Toolkits based on the Allsorts toolkit were widely adopted across the UK around 2017–2018. This guidance sets aside normal safeguarding, misrepresents the provisions of the Equality Act 2010, disregards the implications of the Education Act 1996, and totally ignores the rights of others. This meant that it soon faced legal challenges.

The Transgender Trend website has a detailed breakdown of the problems with this toolkit.<sup>5</sup>

In Oxfordshire, a teenage girl received permission to take the council to a judicial review for its release and promotion of a toolkit, which, she argued affected her rights by allowing a male child to use the girls’ toilets.<sup>6</sup> In Rhondda Cynon Taf a parent took out a judicial review against the school for socially transitioning his son without informing his parents.<sup>7</sup>

In both cases, the toolkits were withdrawn before the cases came to court. The toolkits were also withdrawn by other local authorities in Wales (Merthyr, Ceredigion, Denbighshire, Flintshire and Wrexham) and in England (Barnsley, Birmingham, Derbyshire, Doncaster, Essex, Hertfordshire, Kent, Leicester, Shropshire, Somerset and Warwickshire).<sup>8</sup>

5. Saxby, Helen. 2019. ‘Children’s Rights Impact Assessment: Allsorts Trans Inclusion Schools Toolkit’. Transgender Trend

6. Safe Schools Alliance UK. 8 May 2020. ‘Oxfordshire County Council Legal Action’. <https://safeschoolsallianceuk.net/legal-action-against-oxfordshire-county-council/rence>

7. Griffiths, Sian. August 2021. “School Rushed to Help Our Boy Become a Girl”. The Times. <https://www.thetimes.co.uk/article/school-rushed-to-help-our-boy-become-a-girl-vvs2qjcw8>

8. Safe Schools Alliance UK. 2020. ‘Write to Your LEA over Schools Trans Guidance’. <https://safeschoolsallianceuk.net/get-involved/lea-schools-trans-guidance/>.

It seems that several schools who contributed to this research were unaware of concerns, and the fact that the policies they were working to had been withdrawn from use elsewhere.

The Vale of Glamorgan Council retained a Stonewall-badged version of this toolkit until January 2023 when it issued an updated version which contained very different statements about equality law. The West Glamorgan Safeguarding Board version is still available on its website, and clearly still widely used in south-west Wales.

Schools' desperation for authoritative guidance and misplaced trust in lobby groups has led them to continue to reach for this discredited, dangerous and widely withdrawn guidance document, or versions derived from it.

■ ■ I confronted the school about the gender ID policy and asked the headteacher and the assistant head if they had read it, and whether the governors who had approved it had read it. They said they had. Then I asked them why it referred to [Council B] rather than [our Council A] in multiple places. A little flustered, the Head said it was a standard template that had come from the council. No one at [our council A] will take any ownership of it, saying things like 'it's up to the school'. I did eventually talk to someone at [Council B] who told me it had been withdrawn because they felt they needed more guidance from Welsh Government.

#### *Parent*

Stonewall and other trans advocacy organisations campaign explicitly for self-ID of gender. This, however, is not the current law of the land. Campaigning organisations have abused their position of trust to persuade schools that they have no option but to apply a system of de facto self-ID for children. These toolkits instruct schools to put children at risk of harm and violate the rights of others, particularly girls, in order to promote the controversial view that a subjective gender identity overrides sex.

The schools providing policies were all in south-west Wales (seven) or north Wales (four). Otherwise, there was no strong regional pattern in responses unless highlighted below.

Welsh medium/bilingual schools appeared less likely to have a highly ideological approach. However, only one of them was following a policy, and they were more likely to have given a very restricted response, citing FoI exemptions.

■ ■ I was so shocked when I saw the guidance the school was following. In the section on 'accommodation' it said, 'As far as possible, trans pupils and students should be able to sleep in dorms appropriate to their gender identity. Some trans children and young people may not feel comfortable doing this and in such cases alternative sleeping and living arrangements should be made.' So, no mention at all of the other children in the dorm – they're just gender-affirming furniture for a 'trans child'! No mention of whether they 'feel comfortable'. Only the 'trans child' matters. Only their feelings are real. Everyone else is just there to cater to them.

*Parent*

## Social transition

All 68 schools that responded said yes, they would allow children to transition gender at school. Only 11 stated that social transition would only take place with parental input.

**In simple terms, a student who identifies as female will be treated as a female. A student who identifies as male will be treated as male.**

For the purposes of the research questions, we defined socially transitioning gender at school to mean a change of name, pronouns and uniform where relevant, to match the child's chosen gender identity. Children and young people of school age are not eligible to apply for a legal change of gender via the Gender Recognition Act 2004, and in the United Kingdom would not normally be receiving any medical or surgical treatment to make their bodies resemble someone of the opposite sex.

The changes associated with social transition may seem a harmless way to relieve distress in children experiencing gender dysphoria or confusion. However, the long-term psychological effects on a child's developing sense of self are still unclear. What little evidence there is indicates that affirmation and social transition may fix a child into an identity they may otherwise have grown out of.<sup>9</sup> At the time the policies supplied were written, the NHS's approach to supporting gender distressed children and young people was 'watchful waiting', not social transition.

9. Genspect. 'Social Transition'. Stats For Gender. <https://statsforgender.org/social-transition/>



Although the precise figure varies according to various studies, there is considerable evidence that the vast majority of children expressing a transgender identity grow out of gender dysphoria during adolescence.<sup>10</sup>

The Cass Review interim report<sup>11</sup> on gender identity services for children and young people says of social transition, “it is important to view it as **an active intervention** because it may have significant effects on the child or young person in terms of their psychological functioning.”

One school defined social transition differently as an informal change among peers, but said that they would also enable a formal transition, with change of name on school databases and administrative systems.

■ ■ As a teacher, it’s very frustrating. You feel like you can’t challenge these things at all. The one thing you’re not allowed to do is sit these kids down and ask ‘why’, because that makes you transphobic. Anything but ‘yes, that’s great’ is assumed to be just like homophobia. The only thing you’re allowed to do is affirm. And then what else is going to happen? You might have a long history with this child, you might see a kid and think ‘You know, you’re autistic, I think this is a coping mechanism’. But you’re not allowed to speak about any of these things.

*Teacher*

■ ■ When I started in 2019 there was no guidance on trans issues. We did have a small number of students asking to change name and pronouns. At that point the approach was ‘do what the child wants, don’t tell parents unless they want us to’ – the assumption was that if the child didn’t want parents involved then that must be because the parents were phobic in some way. The approach was read straight across from gay rights – you wouldn’t inform parents if a child said they thought they were gay, so it was seen as the same.

*Teacher*

10. Transgender Trend. ‘Do Children Grow out of Gender Dysphoria?’ <https://www.transgendertrend.com/children-change-minds/> and Barnes, Hannah. 2023. Time to Think: The Inside Story of the Collapse of the Tavistock’s Gender Service for Children. London: Swift Press.

11. Cass, Hilary. 2022. ‘Interim Report – Cass Review’. Cass Independent Review <https://cass.independent-review.uk/publications/interim-report/>

## ***Who would be informed?***

Some guidance toolkits suggest both that 'being trans is not a safeguarding issue', and also that trans children are highly vulnerable and should have a designated lead contact to support them.

Unsurprisingly, schools are clearly struggling to work out whether social transition is a harmless personal choice that a child can undertake at will, without input from those with parental responsibility, or a serious intervention with safeguarding implications, necessitating specialist support.

- Twenty-one did not answer the question
- Four wouldn't tell anyone in particular
- Sixteen would notify key internal school authorities (eg designated safeguarding lead, year head, welfare officer)
- Eleven would notify an external authority (local authority safeguarding officer, Child and Adolescent Mental Health Services (CAMHS), social services, or a named trans lobbying group)
- Sixteen mentioned telling parents, but often with caveats, such as only if the child gave permission
- Two would inform an external LGBTQ organisation, but would not necessarily inform parents.

**The process would work with the learner (integral part of this) they would have an emotional available adult to support in school, we would offer support from school councillor[sic] if they required. We also use and seek support from Viva [local LGBT support group] to assist in supporting the child and also the school. We also have a local LGBT course leader who comes into school weekly to meet with any individual who requires support. If the learner would be happy we would consult with parents / guardians and family if they wish and provide support by external agencies if required.**

**It would not be our place to "allow". Social transitioning is not school based. We respect all genders.**

## ***Informing parents***

Important information about their child's wellbeing is being concealed from parents and carers. Two thirds of schools said they would not necessarily inform parents of their child's social transition, or would do so only if the child gave permission.

- Nineteen stated clearly they would inform parents (seven saying subject to any safeguarding concerns)
- Twenty-six said they would not inform parents automatically
- Another 20 said they would only inform parents with the child's permission
- Three did not answer
- Thirteen provided the same formula response, saying that parents would only be informed with the child's permission and invoking Gillick competence, which suggests a misunderstanding of this legal concept. It is ironic that they are using a term relating to consent to specific medical treatment, without recognising that social transition is an active intervention which may have damaging psychological implications, as outlined above.

**It is the pupil's choice if their parents are informed. We strongly urge them to have this conversation before changing as it can cause confusion when the parent asks to speak about a child but the staff are referring to them by a different name or pronoun.**

**School staff should not disclose information that may reveal a child or young person's transgender status or gender nonconforming presentation to others, including parents, carers and other members of the school community unless legally required to do so or because the child or young person has asked them to do so.**

**We ask the child if the parent/carers are supportive and respond based on this.**

**The Freedom of Information Act provides a right of access to recorded information held by a public authority. We, therefore, hold no recorded information to answer your request. However, we would advise that as a guiding principle we look to involve parents/carers at the earliest opportunity, unless there was a safeguarding concern, or where the pupil has explicitly expressed their wish for us not to do so. If the young person has not informed their family, then we would support them to do this when they were ready to do so.**

Clearly, many schools are socially transitioning children at school without parental consent, and in some cases even deliberately concealing this fact from parents – see Conrad’s story below in Appendix 2.

■ ■ On parents’ evening my wife went in and some of the teachers were saying things like, ‘Ruby has done very well in English this year. Oh, sorry, should it be Robert?’ I talked at length about transitioning with the assistant head. I asked about policy, and they never sent us the policy or told us it was on the new website. Now I’ve read it I feel hoodwinked, powerless, disenfranchised. We realise that whatever we say or do, we have been checkmated by the school.

■ ■ We’re left thinking, ‘We’re just lost. Where has he got this from and how do we sort it out?’ He doesn’t understand the issues involved. We feel absolutely powerless.”

*Parent*

■ ■ I made the appointment to go into school and tell them about what was happening. They were all ‘affirmation’, ‘here’s a link to Mermaids’. It was made clear to me that if I didn’t affirm, I was in the wrong. And at that point, if they’d said ‘affirm her as an elephant’ I’d have said ‘She’s an elephant.’ I was desperate to try and keep her safe.

■ ■ It was clear that it [social transition at school] was happening whatever I said. They’d rather we were on board, but it was happening either way. I can’t believe that experienced teachers are just nodding all this along.

*Parent*

■ ■ Then I discovered that she was getting emails from [club] using this new name that she had chosen. There was no info from the school about this, it was all done without our knowledge, bearing in mind that we were in regular contact about academic issues. They didn’t make formal changes – reports and the like, A level entries etc were all in her legal name, but clearly they were going along with the name and pronoun change at school, all without our knowledge.

*Parent*



- ■ I was quite forceful when the Head of Year called: she is not a boy, we are not changing her name, and nor are you; I've told her she needs to wait until she's left school and give herself time. A few months later things started coming home with [new name] on her paperwork. Most of the teachers were still using her given name, but clearly some were switching to what she asked.

*Parent*

- ■ At my new school I found that the SIMS data system had been updated to include two new boxes, as well as sex. One for pronoun, and one for 'only to be used in school', so that it can be communicated that this information is to be hidden from parents. While this is SIMS' decision to offer this, not policy, it sets an expectation that this is an option."

*School staff member*

The mention of 'safeguarding concerns' by schools could mean different things. Many trans advocacy organisations and online forums have advanced the idea that parents are likely to respond negatively to disclosure that their child is struggling with their 'gender identity', that a parent who is not supportive of affirming a trans identity and referring a child for medical intervention is in fact 'abusive', and that a child from an 'unsupportive' home is at risk of homelessness or violence.

- ■ I was a bit shocked that she'd obviously got this strong idea from her friends that we would be angry and rejecting. These friends didn't really know us – I don't know where they get this from.

*Parent*

In reality, parents usually have a wider understanding of their child's circumstances, needs and challenges. They are able to take a holistic approach to responding to a child's gender confusion, as of course are many teachers, yet this was not mentioned in responses.

The child's genuine control over this decision is also cause for concern. Much of the material available online incorrectly implies that it is possible to literally change biological sex, that gender transition will be the solution to a young person's unhappiness, and that there is such a thing as being 'born in the wrong body'.

Children are coached online, and in supposedly supportive LGBTQ+ spaces, to believe that parents who don't affirm are hateful and abusive. Parents have been reported to social services for failing to affirm their child's trans identity. See Claire's story in Appendix 2.

■ ■ The school have referred us to social services three times now because we're not affirming our daughter's trans identity. It's caused a huge rift in our family.

*Parent*

That a school would conceal information about a social transition from parents is already concerning. But where children are living away from home, sharing sleeping accommodation with peers, as in a boarding school, this is even more worrying. The statement below is from a boarding school which facilitates access to opposite sex accommodation (they use the term 'boarding houses') for trans-identifying children.

**...we acknowledge that to the extent the school considers that a student has sufficient maturity and capacity, it is entitled to respect the student's wishes in relation to who they discuss their gender identity and any related concerns with... In such cases information should not be shared with other staff, or with parents/ carers, without the student's permission unless there are safeguarding reasons for doing so.**

It is difficult to comprehend how effective safeguarding procedures would operate where information about the sex of some pupils is withheld from other staff, and significant information about their child's sense of 'gender identity' – which would place them within a category of children and young people who are considered vulnerable to harm, including self-harm – would be withheld from parents.

## **Access to single sex spaces and activities**

A significant minority of schools support children to use opposite sex facilities if they want, with concerning implications for children's safety and privacy.

A clear majority are managing single sex spaces by offering additional gender-neutral options to trans identifying children, and in many cases state that this has been the preferred option for the child.

## **Toilets**

- Fifteen schools (22%) said yes children are allowed to use toilets to match their new gender identity
- Forty-seven (70%) said that they offer a unisex option/have all unisex toilets
- Three said they had not received any request of this nature
- Three said no, children would not be allowed to use opposite sex facilities.

Pupils identifying as a gender other than their biological sex, including as non-binary, are offered a range of options ... Ultimately the school is focused on respecting the dignity of every person and is committed to ensuring that a young person identifying as a different gender to their sex is supported and feels comfortable with regard to the choice of facilities available to them.

We have Unisex toilets that can be used by all gender identities.

Pupils access toilets based on their biological sex, any pupils that identify as a different gender to their biological sex have additional facilities available.

■ ■ She's in primary and there's a 'trans girl' in her class, using the girls toilets. It's not seen as a massive concession but no one seems to be asking the girls. What happens in two years when they are in high school and want more privacy? Other parents have not formally been told anything.

*Family member*

## **Changing rooms**

Worryingly, 22% of schools are allowing children to undress and change clothes in spaces provided for the opposite sex, with obvious risks to the safety, privacy and dignity of children; both those who are questioning their gender, and their peers.

- Eleven said yes, pupils are allowed to use changing rooms to match their new gender identity; another four responded 'case by case', so presumably yes in some cases.
- Two said that children don't change in school but that the answer would be yes if they did.
- Forty-one schools said that they provide alternative/unisex changing facilities

- Two said that they have not received any request of this nature
- Six said no, children are not allowed to access the opposite sex changing facilities.
- Two responses were unclear (one claimed that all provision was gender neutral but this seems likely to be a misunderstanding as all/only mixed sex changing facilities in a school would be surprising.)

**We have facilitated alternative methods where it has been requested.**

**Pupils do not currently change in school but we would follow the attached guidance if they did.** (The guidance would allow access)

**The use of changing rooms by trans\* children and young people should be assessed on a case-by-case basis in discussion with the individual.**

**Pupils have access to gender-neutral changing rooms or toilets onsite.**

She told him she just wanted to be friends. He then came into school on the Monday in a skirt and announced that he was transitioning to be a girl. He was then allowed to change and shower with the girls after sports. The ex-girlfriend was very uncomfortable, of course. She complained: 'I've decided I don't want sexual contact with him anymore. Don't I have right to say no to that?' She was told she was being transphobic and there was a suggestion it might affect her school reference for university. The other girls were horrified too but were intimidated out of complaining after seeing the reaction to her. Having proved he could do it; he then went back to going to school as a boy a few months later.

*Family friend*

## **Sports**

We were surprised to find – given that the schools contacted were all secondary schools – that a majority of the schools that responded appear to be allowing children to choose to play sports with the opposite sex if they wish to. This has clear implications for safety and fair competition.<sup>12</sup>

<sup>12</sup>. Fair Play for Women, op cit



It is also worrying that many schools are opting to deliver most if not all sport in mixed sex groups. There may be good reasons for this, for example in very small schools which may otherwise struggle to put together teams. It can work in some cases if carefully managed, but doing so routinely will have serious negative implications for girls. Talented athletes are likely to be discouraged if they have to constantly compete at a disadvantage and never get the chance to shine. Many others will be put off any participation at all, if they have to do so in mixed groups. Given the well-researched drop off in girls' sports participation rates, this is very concerning.<sup>13</sup>

The UK Sports Councils' guidance on transgender participation<sup>14</sup> is clear that inclusion in opposite sex categories should only be considered where an assessment has been made that safety and fairness can be assured. Responses suggest that schools are looking to individual sports' councils to have made that assessment. While some sports have issued clear guidance to protect the female category (eg rugby) others have not and are still prioritising 'inclusion' over safety and fairness.

- Thirty-five schools said yes, children can do sport by gender identity (four with some caveats)
- Ten said that they follow guidance for individual sports
- Fourteen said that sports are mixed sex anyway
- Three gave a straightforward 'no', and one said only if the activity was mixed sex anyway
- One said that this has not been requested
- Three responses were unclear
- One school said that they would seek guidance from the local authority.

**Sporting activities are gender neutral in [SCHOOL] and pupils can participate in sports they wish to play in order to learn the skills needed according to the curriculum.**

**Sporting activities are mixed, but we allow pupils to take part in activities according to their new gender where possible. On occasion, such as official athletics events, we need to take specific guidance.**

13. Women in Sport. 2022. 'More than 1 Million Teenage Girls Fall "out of Love" with Sport' <https://womeninsport.org/news/more-than-1-million-teenage-girls-fall-out-of-love-with-sport/>

14. UK Sport. 2021. 'Transgender Inclusion in Domestic Sport Guidance Published' <https://www.uksport.gov.uk/news/2021/09/30/transgender-inclusion-in-domestic-sport>

It would be dependent on sporting activity, latest Welsh Government advice and relevant advice from the appropriate sporting governing body.

This depends on the sporting activity as at certain ages pupils have to remain with gender (football/rugby) For any other activities, yes.

Yes, for any in-school sporting activity. However, in terms of any external events these would be governed by the requirements determined by the relevant sporting association guidelines.

Sporting activities are not gender specific in most schools. All pupils can choose their preference with regards to sporting activities here.

Most of our sports have mixed gender options. The rules of Sporting Governing Bodies override this in specific sports, however for example, in contact rugby, the physicality of biological boys v biological girls creates a safety impact.

It would be dependent on sporting activity, latest Welsh Government advice and relevant advice from the appropriate sporting governing body.

We have mixed PE groups. With tournaments and competitions, we comply with the expectations of the organisers.

Sporting activities in KS3 are undertaken flexibly to allow for all pupils to participate – allowing for them to mix according to their sporting preference. These activities are not undertaken according to gender/sex unless for fairness and/or safety in a sporting activity.

### ***Overnight accommodation***

We did not ask a question about this. However, ten schools provided policies which stated that trans identifying children should be supported to sleep in dormitories or bedrooms with children of their new gender. The risks and implications of this are quite obvious.

This includes a boarding school with a transgender inclusion policy which facilitates transfer to the boarding house of the opposite sex.

- ■ When we raised concerns about mixed sex sleeping arrangements for the trip, the safeguarding officer told us that *'Under the policy, normal safeguarding rules do not apply to transgender students.'* It's like all common sense goes out of the window as soon as you mention 'trans'.

*Parent*

- ■ The whole situation was coercive, for both parents and children since any concerns were being labelled as transphobia. I think it was coercive for the school too: they were offering us a veto because they knew it wasn't right, but they were following the policy they'd been given.

*Parent*

- ■ "...they arrived, the trans girl kicked up a fuss because they were being expected to share a room with boys. The teachers asked [my family member] if she would share with this kid 'so we can all go to bed'. How could she say no? What would have happened if she had? She's a responsible girl; she wanted to help and solve the problem."

*Family member*

## Toilet provision

Many recently built and refurbished schools in Wales have mixed sex toilet facilities with shared handwashing facilities. These are not compliant with the law and compromise children's safety, privacy and dignity. Ten schools (15%) said they had ONLY unisex toilets.

Please see the Merched Cymru report Breaking the law – mixed sex toilets in Wales' schools, Jan 2024<sup>15</sup> for more information and analysis of this aspect of our research.

- Fifty-four schools (79%) said yes, they have single sex toilets and 25 of these said they have single sex and unisex toilets. This could mean that they have both mixed sex (not compliant with school premises regulations) and single sex blocks, or single sex blocks with additional standalone provision (compliant with regulations)
- Four gave answers that were not clear

15. Merched Cymru. 2024. 'Mixed Sex Toilets in Wales' Schools – Breaking the Law'. <https://merchedcymru.wales/2024/01/24/mixed-sex-toilets-in-wales-schools-breaking-the-law/>

- Two schools stated that they had been intending to have only mixed sex toilet provision but had had to change plans due to parental objections.

**There are single sex toilets – the school was designed to have gender neutral toilets but parents objected.**

**Yes [we have single sex toilets] although was not initially the plan, due to concerns from parents. There are however some toilets that are gender neutral.**

## **Pronouns**

A majority of schools are expecting children to validate trans-identifying children by using their preferred pronouns, either as a straightforward requirement, or under a strong pressure to 'be nice'. A handful of schools said no, there was no requirement, and one clearly stated that they did not have any authority to require this.

None mentioned the other children's rights of freedom of belief or recognised any conflict of rights.

- Twenty-seven (39%) said yes, children are obliged to use 'preferred pronouns'
- Twenty-five stated, in many different ways, that children were under strong encouragement/pressure to do so
- Six did not respond
- Nine said no, there was no obligation.

**We expect our young people to respect that name, pronoun and gender choice that a young person has made – some for transgender or for non-binary.**

**The school would make every effort, insofar as reasonable and practicable, to support a child who socially transitions. This includes students and staff respecting their wishes by referring to them [sic] by their preferred name and/or pronoun.**

**The school has never been in the position outlined in this question, of having to require other pupils to be respectful of an individual's wishes with regard to name or pronouns, not that it would have the authority to do so.**

Yes, and sanctions will be placed for pupils deliberately goading others by using their dead names.

If the school systems/registers have been changed then we would require other children to refer to a child by their new name and preferred pronouns. If a pupil has socially transitioned, (by social transition, we refer to informal change with friends and peers) then we would not automatically expect other children to refer to the child by their new name and preferred pronouns.

This information is not held. However, we promote a culture of acceptance and respect in all aspects of diversity.

Once discussed with parents/carers and individual student, staff would be asked to use the preferred name and pronouns. We would also ask students to. This happens naturally within the student's social circle.

We act on the wishes of the student.

■ ■ My son got into trouble for misgendering a supply teacher, calling them 'sir'. The teacher reprimanded him on the spot, in front of all the other children. A male teacher: 'For heaven's sake, you know it's 'Miss'.

*Parent*

■ ■ He got into trouble for 'deadnaming', but he couldn't get used to being told to use a new name. He has ASD, but it didn't make any difference. So when it comes to trans-identifying kids the protected characteristic matters, but this one doesn't matter, there's no allowances made. It seems like the trans child's needs were put first, they're like an untouchable child.

*Family member*

■ ■ I did not feel comfortable colluding with changed pronouns. I was happy to use a changed name, just like a nickname, but a different pronoun is not helping them.

*Teacher*

■ ■ She said that during her drama lessons, a boy in the class who was wearing a skirt 'just kept shouting at us all the time and telling us what to do'. This went on for weeks, until she raised her voice and told him to stop shouting. She was taken to the head and disciplined for transphobia. She was really angry. Noone else is allowed to just shout at people. It's made her much less tolerant of any form of difference because she sees it as narcissism.

*Family friend*

## **Relationships and Sexuality Education (RSE)**

Most schools answered the question about RSE lessons by simply referring to the new Curriculum for Wales and the framework for the teaching of RSE which appears in the Welsh Government's Code and Guidance for Relationships and Sexuality Education (2021). However, this framework is not a curriculum, so there may be considerable variation between what is taught in one school and another. There also continues to be controversy about the adequacy of the Code and Guidance itself, and its glossary in particular.

It is, nevertheless, clear from the responses that many schools are teaching contentious ideas about gender identity, including that everyone has one and it is more important or overrides biological sex, that 'trans women are women' or that 'some people are born in the wrong body', as if they were facts, rather than beliefs which are held by some people.

Some schools mentioned the 'genderbread person', which presents biological sex as a spectrum of male and female characteristics and introduces the subjective concept of 'Gender Identity' as if it were fact.

One school describes using 'a line of continuum' between male and female in RSE lessons, which is a misrepresentation of biological fact and material reality and contradicts what children will learn through the science curriculum. The toolkits used by a number of schools instruct schools to teach children that 'most, but not all girls have a vulva and vagina, and most, but not all boys have a penis'.

■ **We use a range of resources to address gender and identity, building up as the children get older, from 'the Gingerbread person' [sic] in Year 7 to discussions using the 'Crush Cards' in Year 10, which include examples of case studies/stories to engage them.**

We look at physical and emotional changes that take place during puberty and discuss those who are born biologically male or female but part of the lesson is dedicated to the question 'why have we used the term biologically male and female and used a line of continuum on the diagram rather than separate boxes for these terms?' this allows a discussion about gender identity.

In our lessons, we teach that is gender is related to how you think about yourself, the gender that you identify with and/or feel that you are. Some people feel as though they do not have a gender at all, and may refer to themselves as agender or non-gendered. We teach about gender expression – how you display your gender and how it is demonstrated through the way you act, dress, behave and interact with the world. We discuss biological sex being determined at birth, based on observation of genitals, and that chromosomes, hormones, genes, and internal sex organs also contribute to the make-up of biological sex. We discuss sexual orientation and attraction.

Yes, overall [we do teach that a trans woman should be treated as a woman in all circumstances]. However, as part of their education, young people need to know there may be circumstances (see rugby example above [reference to response to earlier question on sports]) where there may be some limiting factors in the interest of safety.

These ideas are not developmentally appropriate for him. He has ASD so he takes things very literally. All of it just seems like a route to my son getting more bullied at school. He needs RSE education as much if not more than most. But there's been no effort to work out what would be developmentally appropriate for him.

*Parent*

They're getting real propaganda in school. Nothing about any other perspective.

*Parent*

My daughter said, 'Everyone in school knows this is rubbish, but you know you're not allowed to say so.'

*Parent*



- ■ We visited the Y5 classroom – they did a Pride week in the primary school and there were flags and posters everywhere. So in this Y5 classroom there's a child's artwork on the wall covered in language like 'cis' and 'intersex'. My daughter has a DSD (Difference of Sex Development) – I'm very uncomfortable with 'intersex' being presented as an identity and used to validate trans identities. Her condition shouldn't be part of Pride and conflated with sexuality and kink.

*Parent*

- ■ I gave [my son] a straightforward gender-critical view. People can identify how they like, but you can't change your sex. He said, 'I couldn't possibly say that in school. My teacher would go absolutely mad.'

*Parent*

- ■ [The Pride Club had] a big presentation on demisexuality. What is a 12-year-old supposed to make of the idea that it's a special identity if you need to really like someone before you feel sexually attracted to them?"

*Parent*

## External suppliers

Again, the reliance on external providers shows how desperate schools are for guidance in this area. A third of schools had worked with external providers in the last two years, some mentioning as many as four or five. Unfortunately, the training provided is likely to have been highly ideological. Stonewall Cymru, Brook and The Proud Trust were the most commonly mentioned (six schools each).

For example, Stonewall campaigns for self-ID of gender, and for people to access single-sex facilities on the basis of their gender identity rather than their sex. The Stonewall Cymru-branded transgender toolkit developed by the Central South Consortium in 2018 was adopted and subsequently withdrawn by Rhondda Cynon Taf and Vale of Glamorgan Councils following threatened legal challenges. It misrepresented equality law and failed to acknowledge that other people have rights too. Stonewall is not a reliable source of impartial advice for schools.

In two cases LGBT lobby groups were cited as being contacted by schools to support children to transition, even before parents are necessarily contacted. This is inappropriate.

Organisations set up to support individuals or to lobby for legislative or policy change have a specific role and purpose. They are not experts in the law, they are by definition not impartial, and are ill-equipped for providing schools with child-centred or accurate advice.

One school mentioned a local transgender support network which was invited to give guidance on the school's trans inclusion policy. It is unclear how a group formed to support adult trans people, whose committee is comprised overwhelmingly of older males, is qualified to advise on how best to support distressed children, mostly female.

■ ■ They told me that they've had training that they have to do this. They said it's about making different kinds of families welcome, which is fine, but also that they told the children that these flags represent 'safe spaces'. That's such a dangerous thing to tell a child! If my son gets lost I'd like him to talk to a police officer, not go to someone with a trans or pansexual flag because they think they're safe!"

*Parent*

■ ■ We had a series of suicides at the institution where I worked. We were asked to attend some training... it was actually a three-hour 'flag awareness' training, telling us all about different identities and their labels, with everyone nodding along as if this was important. We were in crisis. Young people had killed themselves. We didn't have enough counsellors, you couldn't get to see a GP, we had no mental health support for the students, and we're spending 3 hours talking about flags.

*Higher education lecturer*

■ ■ It's a constant game of whack-a-mole with all the outside agencies who want to come in. Youth workers, the people who want to do healthy relationship training, counsellors, mental health organisations; even if you're in a good place as a school, the ideology is being introduced all the time by people coming in from the outside. We're constantly destabilised by well-meaning people coming in with their pronouns and undermining the careful work we're doing with our vulnerable pupils.

*Teacher*

## **Resources**

The most commonly mentioned suppliers are placed at the top of this list

- Stonewall Cymru
- Brook
- Proud Trust
- Just Like Us
- Sex Education Forum
- The Rainbow Flag Award
- Timbrell Education
- Umbrella
- Viva
- Blackwood Basement
- Kidscape
- Kooth
- Mark Jennet
- Plan UK
- Pride Cymru
- Trans Student Educational Resources
- Unique trans network
- Victim Support
- WWDAS
- TenTen
- NSPCC
- MonLife
- Shaun Dellentay
- Sexpressions
- YEPS
- Cardiff Council School services/Healthy Schools
- PSHE Association
- Xenzone (Kooth)

## Conclusions

The vacuum created by repeated delays in the publication of guidance by Welsh Government to enable schools to deal sensitively and appropriately with the needs of gender confused, questioning or distressed children and young people has negative impacts on learners, schools, local authorities and families.

It is evident that policies based on inaccurate, discredited guidance still in circulation are being used by schools, who have often made reasonable assumptions based on the use of similar guidelines in other local authority areas. Poor practice has therefore become normalised, as has differential treatment for children affected by this issue in terms of safeguarding.

Schools appear unaware that there have been many legal challenges to such policies across England and Wales over the last six years and that they have been withdrawn. Local authorities and local safeguarding boards appear not to have communicated fully and appropriately with schools about the status of guidance. The mechanisms for dissemination and effective communication are unclear. When a decision is made to withdraw a toolkit in one local authority area it is unclear whether that has been effectively communicated to schools locally, or to other local authorities.

There is little evidence that the policies in use have been subject to legal checks or Equality Impact Assessments before adoption.

***As a result, children and young people have been left at risk of harm, with inadequate safeguarding arrangements. Schools and teachers have indeed been hung out to dry. Without action to address these shortcomings the reputational and legal risks to schools and local authorities are significant.***

## References



## **Recommendations**

### ***Welsh Government***

Welsh Government must publish draft guidance that is in accordance with extant law and not political aspirations. The consultation process must be transparent and meaningful, with a genuine openness to considering the views of individuals and organisations beyond the usual stakeholder groups. All responses should be published in full.

### ***Equality and Human Rights Commission Wales***

EHRC Wales must issue technical guidance for Wales with urgency. There appears to be no reason for further delay since the equality legal framework is the same in England, Scotland and Wales and guidance has already been published in England and Scotland.<sup>16</sup>

### ***Local Authorities***

Local authorities must take responsibility for developing policies for schools in their area and ensuring that they are fully compliant with relevant legislation, do not breach schools' duties of political impartiality, and offer children and young people struggling with issues of gender identity the same level of safeguarding from harm as their peers.

These policies should also stipulate that schools do not work with or use materials provided by external agencies that take or promote the political/ideological position that 'gender identity' is a fact and not a highly contested belief with no basis in science or law.

In the short term, local authorities should contact all schools in their area to ensure that the status of any toolkits or guidance in circulation is clear. Schools should be reminded of the need to comply with all relevant legislation, of the need to balance the rights and best interests of all learners and to prioritise safeguarding.

### ***Schools***

Schools should review and revisit any toolkits, policies or procedures they are currently using and not take it for granted that something provided via a local authority, or even a local safeguarding board, has been quality assured and legally checked.

16. EHRC. 2023. 'Technical Guidance for Schools Updated'. Equality and Human Rights Commission. <https://www.equalityhumanrights.com/technical-guidance-schools-updated>.

The resource produced for schools in Wales by Sex Matters<sup>17</sup> may be useful during this process.

Schools should not under any circumstances work with or use materials provided by external agencies that present the contested belief of 'gender identity' as fact, or where the same standard of safeguarding is not assured for all learners.

A legally compliant model policy, which can be edited to meet the needs of individual schools, and which takes account of the rights and welfare of all members of the school community is available to download on the Sex Matters website.<sup>18</sup>

17. Sex Matters & Transgender Trend. 2023. 'Sex and Gender Identity: Guidance for Schools in Wales'.

18. Sex Matters & Transgender Trend. op cit. <https://sex-matters.org/wp-content/uploads/2023/03/Schools-guidance-2023-for-Wales.pdf>

## **APPENDIX 1: Freedom of Information request sent to schools**

FAO: Member of staff responsible for safeguarding

Under the Freedom of Information Act 2000 I would like to request the following information about [Name of School]. According to Section 10(1) of the Act you need to respond promptly and within 20 working days following the date of receipt of the request.

In the questions below, 'sex' refers to a child's biological sex (as registered at birth), whereas gender refers to an internal gender identity that a person may consider they have, which may or may not match their biological sex.

1. Do you allow children to socially transition their gender at school – ie to change name, pronouns, wear the opposite sex uniform etc?
2. Who, if anyone, would you consult before allowing a child to socially transition (i.e. identify as a different gender to their sex)? Please name all relevant roles.
3. Do you automatically inform parents or guardians as soon as a child expresses that he or she might be a different gender to their sex, or expresses a wish to change gender?
4. Do you allow a child who identifies as a different gender to their sex to:
  - a. Use toilets defined according to their new gender, rather than their biological sex?
  - b. Use changing rooms according to their new gender, rather than their biological sex?
  - c. Take part in sporting activities according to their new gender, rather than their biological sex?
5. Does your school have separate single-sex toilet facilities for boys and girls?
6. Do you require other children to refer to children who have socially transitioned by their new name and preferred pronouns?



7. Which of the following ideas do you teach?
- a. That people have a gender identity that may be different from their biological sex.
  - b. That some people or children may be 'born in the wrong body'.
  - c. That a person who self-identifies as a man or a woman should be treated as a man or woman in all circumstances, even if this does not match their biological sex.
8. In the last 24 months, have you worked with an external provider (charity or commercial organisation) to provide lessons or resources on gender identity? If so, please name them.

Please provide copies or links to any policy or guidance documents used by your school that relate to the questions above.

Kind regards

Merched Cymru

## APPENDIX 2: Case studies

### **Conrad**

Conrad's son Robert is autistic and attends a specialist unit within a mainstream school. His parents have gradually realised that Robert's school have facilitated a social transition, including a change of name, pronouns and dress, while concealing this fact from them.

■ ■ Robert is autistic, so while his understanding is good, he really struggles with social situations. He's a big strong boy, impulsive. He's keen to learn, but his social and emotional development have been assessed as being delayed by about seven years and he has a statement of special needs.

We were concerned about what they were telling him about gender and identity because he seemed really confused. They told us to contact the RE teacher directly.

At home, whenever we tried to raise it with him he wouldn't engage. As soon as I would mention it he'd just go up to his room, total closedown. He says everyone has the right to define what they are, and I've said to him – that simply isn't true. Calling a starfish a fish wouldn't change it into a fish. It's still a starfish.

These ideas are not developmentally appropriate for him. He has ASD so he takes things very literally. All of it just seems like a route to my son getting more bullied at school. He needs RSE as much if not more than most. But there's been no effort to work out what would be developmentally appropriate for him.

On parents' evening my wife went in and some of the teachers were saying things like, 'Ruby has done very well in English this year. Oh, sorry, should it be Rob?' I'd had suspicions already that he was asking to be treated as a girl in school.

Then he started self harming in school. We got a call about him stabbing himself with a ruler and they referred to CAMHS. The letter from CAMHS called him Ruby.

The school have never contacted us to discuss any of this. When we queried it they just said 'we've said he can wear a skirt if he wants to'. I don't know which toilet he is using. When we visited they told us that the toilets had been redone to be unisex. We're terribly worried that he's being encouraged to behave in ways that could be dangerous to others and therefore to himself.

I talked at length about transitioning with the assistant head, asked about policy, but they never sent us the policy or told us it was on the new website. Once I'd read the whole document I felt hoodwinked, powerless, disenfranchised. We realise that whatever we say or do, we have been check mated by the school. [The policy states that parents will only be informed about a social transition if the child gives permission.]

We were happy to find somewhere that would be appropriate for him. But we feel they've really harmed him and let him down. It's really broken my sense of trust in schools and in the teaching profession.

## **Rose**

Rose left teaching in 2022.

■ ■ In 2019 when I started there was no guidance on trans issues. We did have a small number of students asking to change name and pronouns. At that point the approach was 'do what the child wants, don't tell parents unless they want us to' – the assumption was that if the child didn't want parents involved then that must be because the parents were phobic in some way. The approach was read straight across from gay rights – you wouldn't inform parents if a child said they thought they were gay, so it was seen as the same.

The school ethos and young staff profile meant there was a sense of 'We're more progressive, we understand the kids, we're ahead of mainstream society'.

The situation really changed in lockdown. When we returned there was a sudden upswing in girls declaring alternative gender identities. At one point one or two students a week were requesting a change. I had four trans identifying students in my tutor group of 14 (so half the girls). The policy changed to say we had to get parental permission.

Some parents wanted to go along with it, thinking it was the best thing for their child's terrible mental health and they wanted to help. At least one really seemed held hostage by it, with a child talking about suicide and self harm. Others said no initially and granted permission later.

It was clearly happening within specific friendship groups. It would usually start with the lesbians, already quite gender non-conforming, who would come out as trans boys. For example in a same sex couple, one would become a trans boy, and then the other one would too. Then once you had two or three, the others would become non binary. They often wouldn't change their presentation but say they weren't 'cis'. The trans boys would get a ton of attention at the LGBTQ club so I think the others would go non binary to join in. Meanwhile the school book club was reading queer literature with lots of aro/ace identities.

I did not feel comfortable colluding with changed pronouns. I was happy to use a changed name, just like a nickname, but a different pronoun is not helping them.

I would introduce ideas about sex differences, and how science and ideas progress and change as theories which are widely accepted are challenged and tested against evidence.

The context for all this is that there has been a complete breakdown in the support structures around young people. Not just lack of mental health services, though those are totally overwhelmed. No youth clubs, lack of other societies or places for young people to go. They're socialising primarily online because there's not a lot else for them, it's easy and it's cheap and they're exposed to some very dodgy influences.

Schools are the last service standing, and it's unsustainable. They're massively under-resourced. Parents and schools are doing their best, parents begging for help and these children are not getting the support they need, just not the resources there for the scale of need. I got assaulted by a student and there was no-one available to help me. Everyone was dealing with other emergencies. Schools need more staff and more support from other services. We had children that we accompanied to A&E on a Friday following a suicide attempt and they were back in school on Monday because there was literally nothing else for them.

## **Della**

Della's daughter Katie identified as trans for three years. She has now desisted. During that time, she was depressed and anxious, desperate to bind her breasts and take testosterone, and attempted suicide. She is now using her birth name, is no longer asking for gender treatment, and doing well at college.

■ ■ She fell in with a big group, at least ten of them, all girls identifying as male or non binary. Not one of them had been in a relationship. How on earth can you know your identity and your attraction when you're not actually attracted to anyone yet?

I could see something wasn't right. We've always been pretty close. So she comes out with, 'Mum you're going to hate me. I've decided I like girls.' I was, 'OK, that's fine, we love you, you're very young, that might change or it might not, but it's fine either way.' I was a bit shocked that she'd obviously got this strong idea from her friends that we would be angry and rejecting. These friends didn't really know us - I don't know where they get this from. I don't think most parents these days are that bothered about their kid being gay.

A few weeks later, 'I've decided I'm non-binary.' So I'm like, 'OK, you explore you, whatever.' Then, towards the end of the year. 'You're REALLY not going to like this. I've thought this for a long time. I'm a boy.' But there'd NEVER been any mention of this before. Never. I was a tomboy myself, much to my mother's disappointment. But Katie's always loved the bling and the girly stuff. She tells me 'Ah, that's a sure sign of actually being a boy because I was hiding my true self.' None of it makes any sense.

I was, 'OK. Fine, dress how you want.' But I could see where this was going. She changed her name straight away, a few different versions. It was hard to keep up, and we just kept forgetting. So there was lots of drama over that, anger that we were 'deadnaming'. And of course she was getting bullied and hassle at school.

For about 8 months it was absolutely horrendous. All she would talk about was how she needed Testosterone, 'T', right now. T was going to give her all these wonderful benefits, a lower voice, look like a boy. She wanted this drug that she thought would change everything for her.

She took an overdose. She ended up in hospital and we finally discovered the extent of the self harming. She told us that she didn't feel that life was worth living unless she could be a boy and have 'T'.

I made the appointment to go into school and tell them about what was happening. They were all 'affirmation', 'here's a link to Mermaids'. It was made clear to me that if I didn't affirm, I was in the wrong. And at that point, if they'd said 'affirm her as an elephant' I'd have said 'She's an elephant.' I was desperate to try and keep her safe.

It was clear that it [social transition at school] was happening whatever I said. They'd rather we were on board, but it was happening either way. I did ask what guidance they were following and she said she didn't know. I can't believe that experienced teachers are just nodding all this along.

I just wanted to delay and give her time. I told her we had to get counselling first. The counsellor thought I was the devil incarnate because I was doubtful about the benefits of affirming. Everything was focused on the trans stuff, there was no interest in exploring any other issues. She's never been diagnosed with anything, not gender dysphoria, nor any other mental health diagnosis. They didn't really seem interested in anything but the trans identity.

I just bided my time. I did a lot of reading and realised that affirming wasn't going to help. So I focused on our relationship and doing other things. She drifted away from that group of friends a bit, which I think probably helped. There wasn't a 'turning a corner' moment, but it has gradually faded. She's gone off to college now and seems to be doing really well. She uses different names with different people, but I call her by her given name and she/her and she doesn't object. I think she's more secure now. She's dressing more conventionally, does wear some make up. I'm encouraging her to try everything out and not let anyone direct her.

This has been the worst thing that has ever happened to our family. It hit me for six – I did not know which way was up. I've spent my whole life thinking about inclusion and supporting children as a parent and in my work, and suddenly I'm terrified to even talk about what's happening to me and my family. I thought I knew about kids, but suddenly I'm questioning everything and wondering if I've got everything wrong. It was absolutely disorientating.

There's no handbook. Noone wants to help you. You're on your own. It was devastating. I thank God that my experience did give me some resources to deal with this, but I don't want any other family to go through what we've been through."

## ***Claire***

■ ■ The school have referred us to social services three times now because we're not affirming our daughter's trans identity. It's caused a huge rift in our family.

Thea is 15. During first lockdown she suddenly announced she wanted to be a boy, after a lot of time online. There hadn't been any signs that she wasn't happy as a girl. She had been bullied after telling a friend that she was bisexual. I think the bullying was probably a factor in all this.

She said she hated her breasts, wanted to go and see a doctor. I said, it's normal to feel uncomfortable in your body during puberty. Noone likes it! She was miserable all through the holidays, and then at the beginning of the school year she went into school and told everyone she was trans, and a new name. She didn't make any changes to her presentation, her hair, anything like that.

I was quite forceful when the Head of Year called: she is not a boy, we are not changing her name, and nor are you; I've told her she needs to wait until she's left school and give herself time. A few months later things started coming home with [new name] on her paperwork. Most of the teachers were still using her given name, but clearly some were switching to what she asked.

We had a row about it on the way to school and on the way home I had a phone call from the school asking me to collect her because she was having a panic attack. They reported me to social services who phoned up a couple of days later.

Social services asked what was happening. Is she getting any help? I said yes, we were already paying for private counselling. They said that was fine and it was left there at that stage. But the same thing happened twice more. The second time we were assigned a named social worker who phoned a couple of times asking what support she's getting and suggesting we talk to Mermaids. I responded that they're being investigated for safeguarding failures. The social worker just replied that "If it's her wish, then it's her wish."



She was wearing a binder but I threw it out and burned it. I don't know where she got it, but I suspect it got sent to someone else's house. I got a friend who's a nurse to talk to her about the damage she could do by wearing one.

Saying she was 'trans' definitely opened up new friend groups. A new teacher has started up a school LGBT club which has brought her together with others.

Her Dad and I had agreed we don't use the pronouns, we don't use the name, but then he had a private phone call with the head of year about how she's being hassled about having different names. He agreed that official stuff should remain Thea but informal stuff could be Tommy, the name she's now moved on to. Now all the school communication is coming home as Tommy, so now I look stupid and that we're not in this together. It's really put a wedge between us and harmed our family.

### **APPENDIX 3: How discredited and withdrawn policies have been repeatedly re-launched and revived**

In the absence of any legally accurate, definitive guidance from Welsh Government, it is clear that schools are still relying on guidance which misrepresents the law and has been withdrawn in many areas, including, in some cases, by their own local authority.

Most of the policies provided were derived from the Allsorts toolkit originally developed by a third sector group with no expertise in education, safeguarding or the law, for use in Brighton and Hove.

Following legal challenges versions of this toolkit were withdrawn from 2018 onwards by at least six local authorities in Wales (Rhondda Cynon Taf, Merthyr, Ceredigion, Denbighshire, Flintshire and Wrexham) and many more in England. The Transgender Trend website has a detailed breakdown of the problems with this toolkit.<sup>19</sup>

It was surprising therefore to see that almost identical policies were still in use in the schools that responded to our requests for information, some in areas where the policy had been formally withdrawn by their local authority.

#### ***Quietly withdrawn – leaving no trace***

Clearly local authorities have not informed schools when policies are withdrawn. The documents are simply absent from their websites, with no notification to say that they have been withdrawn, or why, or indeed that they ever existed.

For example, Wrexham Council adopted a version of the Allsorts toolkit in 2015, still available via an archive link<sup>20</sup>. However, by 2021, the Council was saying, in response to a publicly available FoI request, that it had no guidance in place<sup>21</sup>. A search for the term 'transgender' on the Wrexham council website returns no results at all.

An equivalent toolkit for Ceredigion is also available in archived form<sup>22</sup>. And similarly, there is no sign of it, nor explanation for its withdrawal, on the council website. The document shows up in a web search, but the link returns an error (A 404 error means the document has been moved or deleted.)

19. Saxby, Helen. 2019. 'Children's Rights Impact Assessment: Allsorts Trans Inclusion Schools Toolkit'. Transgender Trend. <https://www.transgendertrend.com/wp-content/uploads/2019/05/CRIA-Allsorts-Toolkit.pdf>

20. Wrexham County Borough Council. 2015. 'Transgender Guidance for Wrexham Schools'. available via <https://genderarchive.org.uk/assets/pdfs/Wrexham%20County%20Borough%20Council%20-%20Transgender%20Guidance%20for%20Wrexham%20Schools.pdf>.

21. Wrexham County Borough Council 'Response to FOI541'. 12 July 2021. [https://www.whatdotheyknow.com/cy/request/policies\\_and\\_toolkits\\_approved\\_o\\_22/response/1833950/attach/html/9/06.FOI541%20Appendix%20N%20document.pdf.html](https://www.whatdotheyknow.com/cy/request/policies_and_toolkits_approved_o_22/response/1833950/attach/html/9/06.FOI541%20Appendix%20N%20document.pdf.html)

22. Ceredigion County Council. n.d. 'Transgender Guidance for Ceredigion Schools'. <https://genderarchive.org.uk/assets/pdfs/Ceredigion%20County%20Council%20-%20Transgender%20Guidance%20for%20Ceredigion%20Schools.pdf>

One of the schools provided us with a policy which had been taken from another council area, not their own, and that had also withdrawn it several years ago. (The name of the other local authority appeared in the text.)

■ ■ I confronted the school about the gender ID policy and asked the headteacher and the assistant head if they had read it, and whether the governors who had approved it had read it. They said they had. Then I asked them why it referred to [Council B] rather than [our Council A] in multiple places. A little flustered, the Head said it was a standard template that had come from the council. No one at [our council A] will take any ownership of it, saying things like 'it's up to the school'. I did eventually talk to someone at [Council B] who told me it had been withdrawn because they felt they needed more guidance from Welsh Government.

*Parent*

### ***West Glamorgan Safeguarding Board***

The West Glamorgan Safeguarding Board Transgender Guidance for Schools and other Youth Settings, was the policy document most frequently provided by schools who contributed to this research. The West Glamorgan Safeguarding Board (WGSB) serves the City and County of Swansea and Neath Port Talbot County Borough local authority areas and includes representatives from both.

In theory at least, a toolkit produced by a safeguarding board made up of representatives of the local authorities, health boards and key agencies involved in safeguarding children and adults should be far more reliable and legally watertight than one bought in from an external agency. It is understandable that schools would feel that they can rely on it.

However, it appears that the guidance did not go through any real scrutiny when it was adopted and there was no Equality Impact Assessment, a requirement for public bodies to assess how a policy will impact people with different protected characteristics.

In 2021, both local authorities denied the existence of any such toolkit in their area. In publicly accessible FOI responses, requesting information and a copy of any Trans Inclusion Toolkit(s) and/or Transgender Learners Policy approved, used or distributed by Welsh local authorities both Swansea<sup>23</sup> and Neath Port Talbot<sup>24</sup> responded that the information was not held.

23 Jones, Harriet. 2021. 'Policies and Toolkits Approved or Used by the Local Education Authority - a Freedom of Information Request to Swansea Council'. WhatDoTheyKnow.

24 Jones, Harriet. 2021. 'Policies and Toolkits Approved or Used by the Local Education Authority - a Freedom of Information Request to Neath Port Talbot County Borough Council'. WhatDoTheyKnow.

Merched Cymru became aware of the existence of the WGSB guidance following contact from a concerned parent whose child's school had provided a copy. We also had sight of a separate FOI to the WGSB in 2022 requesting information about the guidance and the process followed to check that the guidance was compliant with (and does not misrepresent) the Equality Act 2010, the Human Rights Act 1998, safeguarding legislation/Working Together, the Education Act 1996, the Education (School Premises) Regulations 1999 (regarding single-sex toilet provision) and other relevant legislation. No information was held on any such checks, and it was stated that it was unknown whether they had taken place.

Questions were also raised about an Equality Impact Assessment to look at the effect of the policy on all protected characteristics and any background information or instructions provided to schools and youth settings to accompany the guidance. The WGSB's response was that there was no Equality Impact Assessment and "No covering letter, email or instructions are sent with the policy." There appeared to be no consultation with key authorities or bodies within the education sector, or to check for accuracy prior to adopting the guidance. The only consultation was with three youth groups, and two of those were in a county not covered by the WGSB.

While it's important to consult children and young people on matters that affect them, the boundaries and limitations of participation in policy development on issues such as this must be clear. It is inappropriate to give young people the impression that their wishes can always be accommodated in every policy area, and inappropriate for adults to hand decisions with safeguarding implications over to children.

Like other versions based on the Allsorts toolkit the WGSB document misrepresents the law with statements such as, "Pupils and students have the right to access the toilet that corresponds to their gender identity"; it does not consider the rights and needs of other pupils (including those who are vulnerable or have other protected characteristics); includes scenarios where the recommended action is discriminatory towards others under the Equality Act 2010; and is not in line with NHS best practice.

Similar guidance had already been removed from use by two Welsh local authorities at the time of the 2022 FOI request to WGSB.

In fact, the safeguarding board's FOI response seems to acknowledge that there is an issue with it: "the policy is adopted (sic) from the Wrexham and Cwm Taf's policy which at the time was supported and recommended by Welsh Government."

## **Central South Consortium**

Another document based on the Allsorts toolkit, badged as endorsed by Stonewall Cymru, was developed by the Central South Consortium in 2017/18. The Central South Consortium provides centralised support for education for the local authorities in central South Wales. The toolkit was adopted in Rhondda Cynon Taf and subsequently withdrawn following a legal challenge<sup>25</sup>.

It was adopted in the Vale of Glamorgan in 2018, despite significant concerns being raised at the scrutiny stage, with a promise of a review in one year. A wholly inadequate Equality Impact Assessment<sup>26</sup> only looked at the document in relation to the impact on people who identify as transgender. It not only ignored the rights of people with other protected characteristics, it considered them as potential obstacles to trans equality.

For example, under the heading 'religion or belief' it says, "Although we would hope that the wider community would be positively affected there may be specific groups whose values and beliefs may be challenged by this," and identifies church schools as presenting "potential barriers to ethical beliefs'.

It was finally withdrawn in 2023, replaced with a new version. There is more information on the problems with the original toolkit<sup>27</sup>, and with the new version<sup>28</sup> on the Merched Cymru website.

It is difficult to describe the process by which local authorities have attempted to address the need for guidance on this issue as anything but confused and slapdash. All children are disadvantaged by this lack of rigour, and the health, wellbeing and safety of what is frequently characterised as a vulnerable and marginalised group is not being given the care and attention it deserves. Teachers feel "hung out to dry" and schools are left in a very precarious legal situation.

25. Griffiths, Sian. 2021. "School Rushed to Help Our Boy Become a Girl". The Times.<https://www.thetimes.co.uk/article/school-rushed-to-help-our-boy-become-a-girl-vvs2qjcw8>

26. Vale of Glamorgan Transgender inclusion toolkit. Equality assessment. [https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Cabinet/2018/18-04-30/Appendices/Trans-Appendix-B.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2018/18-04-30/Appendices/Trans-Appendix-B.pdf)

27. Vale of Glamorgan: Transgender inclusion toolkit - Merched Cymru <https://merchedcymru.wales/2023/04/03/vale-of-glamorgan-transgender-inclusion-toolkit/>

28. Vale of Glamorgan Transgender Toolkit – still putting children at risk - Merched Cymru <https://merchedcymru.wales/2024/02/06/a-new-vale-of-glamorgan-transgender-toolkit-still-putting-children-at-risk/>







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