

A TEACHERS' GUIDE TO  
**SEX AND GENDER**  
2022

by Teachers for Evidence-Based Education



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## **WHO ARE WE?**

We are a group of teachers from different disciplines across a range of phases and settings. Collectively, we have decades of experience in working with young people.

Our experience tells us that people, wherever they work in education, are struggling to find good evidence-based guidance on how to cope with issues around sex, gender and gender identity.

## **WHAT DO WE BELIEVE?**

We share a common concern with many teachers and parents about the safeguarding of children and the preservation of everyone's rights in education.

We believe that sex matters and that to deny the importance of material reality will lead to inequality and conflict between people with different protected characteristics. Teachers who deny material reality in the course of teaching may be in breach of legislation that applies to teachers.

We are absolutely opposed to any abuse and harassment of, or discrimination against, anyone or any group. We want schools and colleges to be safe places for everyone where all can learn, work and thrive.

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## WHO IS THIS GUIDANCE FOR?

We have produced A Teachers' Guide to Sex and Gender in order to address the questions and dilemmas we know professionals are facing in schools and colleges in the UK.

This guidance has been produced by teachers working in England.

We recognise that education is a devolved matter for Northern Ireland, Scotland and Wales. Professionals working in those countries will need to consider this guidance in line with laws and duties that apply in their nation.

However, we think that this guidance will be of use to educators and other professionals working in education, wherever they are in the UK.

We believe this guidance is in line with UK law and professional statutory obligations for those working in education. We have linked to sources that support our position.

Many of the issues covered in this guidance are contested and the law is not always clear.

This guidance is therefore general. We hope it can be used to support and inform educators and other professionals to help us all navigate the tricky waters we find ourselves in due to the failure of clarity in law and existing guidance.

We would urge individuals to seek specific legal or trade union advice where necessary.

## BACKGROUND

The United Kingdom has seen a huge increase in the number of children seeking help for distress in relation to their biological **sex**.<sup>1</sup>

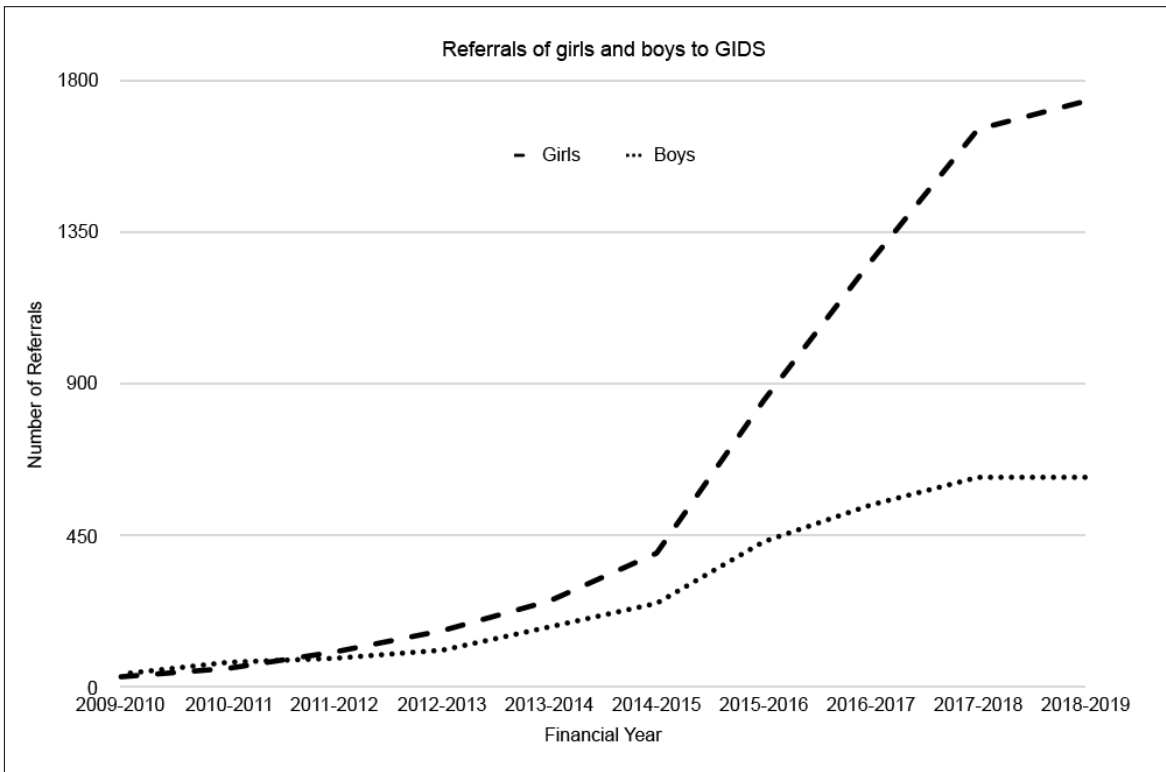
In England alone, referrals to the NHS Gender Identity Development Service (GIDS) rose from 32 to 1740 girls between 2009/10 and 2018/19.<sup>2</sup>

For boys, referrals rose from 40 to 624 during the same period (Figure 1).

This increase is likely caused by multiple factors.

One hypothesis is that a combination of vulnerabilities, social media influence and peer contagion could be driving the recent surge in children – predominantly teenaged girls – wanting to change sex.<sup>3</sup>

Concurrent with the rise in referrals to GIDS, an increasing number of news reports claim that schools are promoting the idea that **gender identity** supersedes sex.



**Figure 1** Number of referrals of girls and boys to GIDS by financial year. Data published by GIDS.<sup>2</sup>

1. Rayner, "Minister Orders Inquiry Into 4,000 Per Cent Rise."  
 2. The Tavistock and Portman, "Referrals to the Gender Identity Development Service."  
 3. Littman, "Parent Reports of Adolescents," 33-35.



Presenting children with contested theories and opinions as facts may contravene the law

## EXISTING LEGISLATION

Government guidance for schools has not kept pace with the rising phenomenon of children wanting to change sex.

As a result, some schools have adopted partisan guidance produced by lobby groups. Some of these groups promote the idea that children who do not conform to sex role stereotypes have a mismatch between their sex and gender identity.

However, presenting children with contested theories and opinions as facts may contravene the law.<sup>4</sup>

Teachers carry out their professional duties in accordance with existing legislation, statutory and non-statutory guidance, and professional standards.

Relevant to the matter of sex and **gender** is the statutory requirement of political neutrality.

The Education Act 1996 strictly forbids political indoctrination.<sup>5</sup> Schools may not promote partisan political views and must secure a balanced treatment of political issues.

Teachers may thus not express personal beliefs in ways which exploit pupils' vulnerabilities.<sup>6</sup>

In conclusion, schools have an obligation to draw on existing legislation and guidance in developing impartial and evidence-based approaches where sex and gender are concerned.

**Sex** 'Either of the two main categories (male and female) into which humans and most other living things are divided on the basis of their reproductive functions.'<sup>7</sup>

**Gender** 'Either of the two sexes, especially when considered with reference to social and cultural differences rather than biological ones.'<sup>8</sup>

**Gender identity** 'An individual's personal sense of having a particular gender.'<sup>9</sup>

4. Department for Education, "Political Impartiality in Schools."

5. Education Act, 1996, c. 56 (UK), <https://www.legislation.gov.uk/ukpga/1996/56>.

6. Department for Education, "Teachers' Standards."

7. Lexico, s.v. "sex (n.)," Accessed February 20, 2022. <https://www.lexico.com/definition/sex>

8. Lexico, s.v. "gender (n.)," Accessed February 20, 2022. <https://www.lexico.com/definition/gender>

9. Lexico, s.v. "gender identity (n.)," Accessed February 20, 2022. [https://www.lexico.com/definition/gender\\_identity](https://www.lexico.com/definition/gender_identity)

## EQUALITY ACT 2010

The two sexes (man or woman) are legally recognised in UK law.<sup>10</sup>

Sex, sexual orientation and gender reassignment are three of the nine protected characteristics in the Equality Act 2010.

Gender identity is not recognized in law, nor is it a protected characteristic.

## NATIONAL CURRICULUM

In line with UK law, the statutory guidance provided by the National Curriculum in England requires that children be taught about the two sexes.<sup>11</sup>

This includes teaching about male and female pubertal changes, male and female reproductive systems, sex determination, the production of gametes, and fertilisation.

Humans are sexually dimorphic (male or female) and sex is immutable.<sup>12</sup>

This means that humans belong to either the male or the female sex and cannot change from one sex to the opposite sex.

'Male' and 'female' refer to two distinct developmental pathways – each leading towards the production of either sperm or egg cells, respectively.

Rare instances of ambiguous sex are estimated to occur with a frequency of 0.018%.<sup>13</sup>

These constitute congenital disorders of sex development and do not negate sexual dimorphism in humans.

“ In line with UK law, the statutory guidance provided by the National Curriculum in England requires that children be taught about the two sexes

10. Equality Act, 2010, c. 15 (UK), <https://www.legislation.gov.uk/ukpga/2010/15>.

11. Department for Education, "National Curriculum."

12. Mori, Mazza, and Lovari, "Sexual Dimorphism," 5.

13. Sax, "How Common is Intersex?" 174.



Teaching should not reinforce harmful stereotypes

## DEPARTMENT FOR EDUCATION GUIDANCE

The teaching of relationship and sex education (RSE) is no exception to the legal requirement of political neutrality.

The Department for Education (DfE) has recently issued non-statutory guidance relating to the relationships, sex and health curriculum.<sup>14</sup>

According to this guidance, teaching “should not reinforce harmful stereotypes, for instance by suggesting that children might be a different gender based on their personality and interests or the clothes they prefer to wear.”

Additionally,

**Resources used in teaching about this topic must always be age-appropriate and evidence based.**

**Materials which suggest that non-conformity to gender stereotypes should be seen as synonymous with having a different gender identity should not be used and you should not work with external agencies or organisations that produce such material.**

Any school that promotes the idea that the sex of a child is determined by conformity to sex role stereotypes, or that it is possible to be ‘born in the wrong body’, may thus be failing to provide politically neutral, evidence-based teaching.

14. Department for Education, “Plan Your Relationships, Sex and Health Curriculum.”

## OFSTED

Ofsted's recent research commentary 'Teaching about sex, sexual orientation and gender reassignment' echoes the DfE guidance.<sup>15</sup>

The commentary states that the Equality Act 2010 was **...contentious from the outset for certain groups, particularly in relation to characteristics relating to sex, sexual orientation and gender reassignment.**

**The increasing political sensitivities in these areas have made it harder for schools to handle equalities well.**

**For example, school staff can occasionally confuse the legal, the moral and the political, and so (often inadvertently) bring overtly political materials into their curriculum and teaching without acknowledging it as such, despite the statutory requirement of political neutrality.**

## POLITICAL NEUTRALITY

The requirement of neutrality is consistent with the prohibition against teachers expressing personal beliefs in ways which could harm children.

Presenting children with gender identity narratives based on sex role stereotypes may constitute harm.

For example, telling children that everyone has a gender identity that is based on personality, interests or clothes could confuse and mislead young and/or vulnerable children.

Those who do not conform to masculine or feminine stereotypes could conclude that they therefore belong to the opposite sex. This, in turn, could contribute to children experiencing discomfort with their own sexed bodies.

**“** Presenting children with gender identity narratives based on sex role stereotypes may constitute harm

15. Ofsted, "Research Commentary: Teaching About Sex."





The anonymity offered by such platforms blurs the boundaries between adult and child communities

## SAFEGUARDING

Political neutrality is of particular importance in safeguarding matters: any politicisation of this area could put children at risk of harm.

Teachers have a duty to follow their schools' protocols and to report concerns about their pupils.

Children experiencing distress associated with their sex are no exception. They may, in some instances, present specific safeguarding concerns.

First, a child may be accessing age-inappropriate materials online.

Platforms such as YouTube, Tumblr and Reddit are used by both adults and children seeking and offering advice about sex and gender.

The anonymity offered by such platforms blurs the boundaries between adult and child communities.

Searches for terms such as 'trans' often return content that is sexualized and/or pornographic.

This content can be found alongside that created by, and for, children (for examples, search '#trans' on Tumblr.com).

Second, children becoming involved in online communities may be at risk of grooming and coaching.

Feelings of isolation and alienation may lead children to seek belonging in online communities — a vulnerability that could be exploited.

Children who have difficult relationships with their bodies will likely come across or receive harmful advice.

Girls, for example, may be given advice on the self-harming practice of breast-binding.

Social, medical and surgical transition are often promoted as the only solutions to emotional distress (for examples, search 'transition timeline' on Youtube.com).

Additionally, children may be encouraged to lie to parents, clinicians and teachers in order to secure particular outcomes such as clinical diagnoses of **gender dysphoria**.

**Gender dysphoria** 'Discontent with the physical or social aspects of one's own sex.'<sup>16</sup>

Third, children who identify as the opposite sex have a higher incidence of comorbid psychiatric and/or developmental difficulties.<sup>17</sup>

Children with mental health problems are over-represented in referrals to gender clinics,<sup>18</sup> as are children with moderate to severe autism spectrum disorder.<sup>19</sup>

Fourth, some children may view transition as a solution to homophobic bullying and discrimination they have experienced.<sup>20</sup>

Gender dysphoria in childhood has been linked with homosexuality or bisexuality in adulthood.<sup>21</sup>

There is also a strong association between sex stereotype non-conformity in childhood and homosexuality in adulthood.<sup>22</sup>

Non-conforming children may have been traumatised by homophobia at home and/or at school.<sup>23</sup>

## MENTAL HEALTH

All children are entitled to the same level of mental health care provision.

This includes CAMHs referrals and well-established suicide-prevention measures for any child expressing suicidal ideation.

Children who have been exposed to online self-harm and suicide content may go on to imitate this behaviour.<sup>24</sup>

“Children with mental health problems are over-represented in referrals to gender clinics, as are children with moderate to severe autism spectrum disorder”

17. Kaltiala-Heino et al., “Natal Girls with Severe Problems in Adolescent Development,” 5.

18. Becerra-Culqui et al., “Mental Health,” 7-8.

19. Butler et al., “Assessment and Support of Children,” 632.

20. Gilligan, “Staff at Trans Clinic Fear Damage to Children.”

21. Ristori and Steensma, “Gender Dysphoria in Childhood,” 15.

22. Steensma et al., “Gender Variance in Childhood,” 2729.

23. Bannerman, “It Feels Like Conversion Therapy for Gay Children.”

24. Samaritans, “Understanding Suicide and Self-Harm Content Online.”



A social transition is not easily reversed: children may find it very difficult to go back on a request to be referred to and treated as the opposite sex

## SOCIAL TRANSITION

Sometimes a child and/or parent requests a social transition in school.

This may include a name change; and referring to and treating a child as if belonging to the opposite sex.

This is a powerful psychological treatment that affects a child's psychological development.

A social transition is not easily reversed:<sup>25</sup> children may find it very difficult to go back on a request to be referred to and treated as the opposite sex.

Additionally, social transition may lead to medical and surgical transition, aspects of which are harmful and irreversible.

What is known about children who develop gender dysphoria in early childhood is that, for the majority, symptoms resolve during or after puberty.<sup>21,26</sup>

Consequently, socially transitioning children without knowing whether they belong to the minority whose symptoms will persist into adulthood risks foreclosing the possibility of their becoming reconciled with their developing bodies.

Classmates may be expected to reinforce another child's cross-sex identity.

This could include prescribed changes to the way they treat the child undergoing social transition.

For example, it may be requested of children that they behave as if they believe that it is possible to be 'born in the wrong body'.

25. Steensma et al., "Desisting and Persisting," 514.

26. Steensma and Cohen-Kettenis, "More Than Two Developmental Pathways?" 147.

## ADVICE

### *Political Neutrality*

Where discussions about gender reassignment as a protected characteristic are deemed age-appropriate,<sup>27</sup> schools should not uncritically present social, medical and surgical transitioning as the only options available to children who do not conform to sex role stereotypes.

First, in line with DfE guidance,<sup>28</sup> schools should promote acceptance for children's non-stereotypical behaviour (boys and girls exhibiting stereotypically 'feminine' and 'masculine' behaviour, respectively).

Second, there is a rising number of young people who **detransition** after undergoing social, medical and/or surgical procedures.<sup>29</sup>

Transition regret is not uncommon and is a topic that ought to be included in any impartial discussion.

**Detransition** 'The act of returning to living as one's biological sex after a period of medical transition to the opposite sex/gender.'<sup>30</sup>

### *Safeguarding*

If you are concerned about children in your school, always speak to your school's designated safeguarding lead (DSL).

If you feel comfortable doing so, consider bringing up relevant information from this factsheet.

Your DSL will likely be appreciative of any information you can provide to support safeguarding. Note that some judgements, such as whether or not social transition is appropriate, are beyond the expertise of DSLs.

Teachers are not clinically trained and must not attribute any difficulties children experience to single causes nor provide simplistic solutions.

Children struggling with their identities must receive the same level of safeguarding as their peers.

This means all safeguarding concerns must be reported and, where appropriate, referred to external agencies.

“ Schools should promote acceptance for children's non-stereotypical behaviour

“ Children struggling with their identities must receive the same level of safeguarding as their peers

27. Equality Act 2010

28. Department for Education, "Plan Your Relationships, Sex and Health Curriculum."

29. Littman, "Individuals Treated for Gender Dysphoria," 3367.

30. Defrans Voices, "Glossary."



It remains to be established whether it is lawful to compel teachers to deceive or lie to parents about their school's decision to socially transition children

### ***Mental Health***

Superficial fixes such as name-changes for children who experience distress do not address any underlying mental health problems and possible co-morbidities.

Teachers must also be mindful of the potential for social contagion among children.

This means taking care not to discuss self-harm and suicidality irresponsibly.

### ***Social Transition***

Should your school mandate the social transitioning of children without the knowledge or consent of parents, this may present difficult professional and ethical challenges for you and your colleagues.

First, school staff are unqualified to judge the appropriateness of socially transitioning children.

Second, secretly transitioning children may be in conflict with the obligation to share information with parents on any decisions regarding the treatment of their children.<sup>31,32</sup>

Third, such practices risk creating public mistrust of the teaching profession.

Finally, it remains to be established whether it is lawful to compel teachers to deceive or lie to parents about their school's decision to socially transition children and change their names.

If you feel comfortable doing so, ask your head teacher for written clarification of your school's policy.

The impact of social transition on a child's peers must also be considered.

It is inappropriate and possibly unlawful to compel children to doubt their perceptions or to make them question material reality.<sup>33</sup>

Children have a right to free expression, including agnosticism.

Therefore, any decision to socially transition one child must include an assessment of the impact on other (possibly vulnerable) children.

31. Department for Education, "Keeping Children Safe in Education."

32. Department for Education, "Working Together to Safeguard Children."

33. Reindorf, "Sex and Gender: Belief and Agnosticism After Forstater."

## Unions

If you are a member of a union, raise any concern you have with your local group.

You will likely find that your concerns are shared by most other members of staff.

Take into account that, at a national level, teachers' unions are not politically neutral.

They may promote campaigns such as the introduction of self-ID, and misrepresent equality law in their policies.

Nonetheless, teachers' unions exist to protect their members' employment rights. This includes teachers' rights to carry out their duties in line with existing legislation.

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