

Response ID ANON-SFG7-69TF-Z

Submitted to Delivery of relationships, sexual health and parenthood (RSHP) education in Scottish schools - draft statutory guidance
Submitted on 2023-11-21 19:05:37

Introduction

Questions

1 Is the draft introduction clear on the status and application of the guidance?

No

If you feel further additions are required, please add these to the text box below:

The introduction notes that the updated statutory guidance is issued under section 56 of the Standards in Scotland's Schools etc Act 2000. The exact wording of section 56 is as follows:

"The Scottish Ministers may, as respects education about sexual matters which is provided by education authorities in the schools managed by them, issue guidance to those authorities as to the manner in which such education should be conducted; and education authorities shall, in discharging their functions as respects the provision of such education in those schools, have regard to such guidance."

Scottish Ministers are clearly granted the authority to issue guidance regarding education about sexual matters, but the draft document contains guidance relating to gender ideology (transgender "terminology and identities"). This is a belief system, as discussed further in our response, and is unrelated to sexual matters. Gender ideology encompasses the idea that children are not defined as being boys or girls based on their biology, but because they possess an innate 'feeling' which is neither defined nor quantified- their 'gender identity'. This does not fall within the remit of relationships, sexual health or parenthood. We would therefore strongly argue that including transgender terminology and identities within this guidance is outwith the competence of Scottish Ministers as outlined in the legislation referenced.

We would like to note that the introduction acknowledges the LGBT inclusive education recommendations as being a key driver for the changes proposed and that it is these recommendations that propose covering transgender terminologies and identities within thematic outcomes. As well as being outwith the scope of this guidance as defined in law, this is a highly contested area, with particular tensions between feminism and transgender activism. There have been notable instances of transgender inclusion negatively impacting on the rights of women and girls; a relevant example is the transgender inclusive schools guidance funded by the Scottish Government which was withdrawn due to the fact that the 'inclusive' recommendations risked excluding girls. We would also like to record that the Scottish Government has a poor record of engagement with those who do not share its views on this issue. At the time of writing it is not clear which organisations have been consulted on in the drafting of this guidance, however we are unaware of any feminist organisations which disagree with the Scottish Government's position on gender ideology being consulted.

We would also note that the earlier guidance which this draft aims to replace (Conduct of Relationships, Sexual Health and Parenthood Education in Schools, 2014) wrongly lists 'gender identity' as a protected characteristic to be considered in under the Public Sector Equality Duty. This is an error that should not be repeated in any updated guidance and indicates an unsatisfactory understanding of this area of the law.

2 How clear is the purpose of the relationships, sexual health and parenthood (RHSP) education section?

Unclear

If you feel further clarity is needed, please explain in the box below:

Gender-based violence, while it may be a term used by the Scottish Government, is unclear due to the highly contested and conflicting understandings of what gender is/ means. (Further discussion about gender as a term used with children and young people is included under questions 3 and 7). Additionally, describing violence "gender-based" obscures who is committing this violence and who it is committed against. Clear language allows anyone (and especially children and young people) to understand this very specific form of violence which is perpetrated by men against women and girls, and in particular allows girls to name and understand this form of violence committed against them, without obfuscation. We would therefore suggest using "male violence against women and girls" in place of this ambiguous term. We note that there is no ambiguity when the guidance later refers to violence against LGBT people.

3 Is the guidance sufficiently clear in relation to the rights of parents and carers and is the process for withdrawing a pupil sufficiently clear?

Unclear

Unclear

If you feel further clarity is needed, please explain in the box below:

The first question refers to the rights of parents and carers, however there is a relevant right of the child here- Article 5 of the UNCRC- which states that governments must respect the rights and responsibilities of parents to provide guidance and direction to their child. Reference to and discussion of this article should be included, just as it is for Article 12, within this section of the guidance.

While the draft guidance calls for parents to be given advance sight of teaching materials there are reported instances of this practice not being followed, including cases of third party commercial resource providers citing potential intellectual property breaches as a reason to withhold this information form

parents. There should be specific consideration of this within the guidance, including discussion of the use of third party resource providers in the RSHP field.

The process for withdrawing a pupil is not sufficiently clear. The draft guidance discusses withdrawal from the sexual health aspects of the curriculum but does not make clear whether or not parents can withdraw their child from other aspects of the RSHP curriculum, such as those relating to the teaching of gender ideology. Given that the LGBT inclusive education recommendations embed this ideology throughout the entire curriculum, it is also unclear how any such withdrawal would be practicable. It is perhaps useful to lay out the reasons why parent might object to the teaching of gender ideology to their children, and therefore why they might wish to withdraw their child from these lessons, as this is very often misunderstood.

The conflict over gender ideology is extensively documented across many areas of society; in academia, in the press, in policy development and so on, yet gender ideology is still taught to children and young people as if it were fact and the controversy surrounding it is skimmed over at best. However, the concept of gender identity is contested by many, not because of prejudice or lack of understanding, but because it is a metaphysical belief about the world which does not accord with logic or reality. It theorises that everyone has a gender identity which may or may not match their biological sex, and it is this identity which determines whether a child is a girl or a boy rather than their biological sex.

Current RSHP resources (available at <https://rshp.scot/wp-content/uploads/2019/08/Part-3.-Boys-and-Girls-Activity-plan.pdf>) provide clear definitions of biological sex, explaining that boys have a penis and girls have a vulva. This enables children to understand their own sex as well as the difference between boys and girls. In contrast, there is no such equivalent child-friendly definition of gender identity. The Scottish Government have declined to provide one when requested.

If children are to be taught that gender identity supersedes sex, and that it is their gender identity which determines whether they a boy or a girl, then they must be provided with a suitable age-appropriate definition of what being a boy or a girl is under this new idea. For example, they need to know, just as is provided for sex, what the attributes of gender identity are that differ between boys and girls, if this is not genitalia. This is necessary so that children are able to correctly identify which gender identity they have, just as they are taught how to identify their sex.

The reason that there is no child-friendly definition of gender identity is because the concept is fundamentally flawed and illogical. If a boy is defined as 'someone with the identity of a boy, 'boy' still needs to have some sort of meaning in order to be identified with. What is a boy? Likewise, there must be a differences between boy identity and girl identity in order for them to be different concepts- what are these differences? And again, if gender identity is to match (or otherwise) with sex, what part of it is 'matching'? And why does it have to match at all? The RSHP lesson above tells children that "you can be any kind of boy or girl" but this is completely undermined if children are taught that there is a way of being a child that is incompatible with having a male/ female body.

As there are no answers to these questions, many parents are concerned about what information children and young people are using to determine what a boy is, and what a girl is. While an 'innate understanding' is often attributed to any decision making about gender identity in children, we don't assume an innate understanding when it comes to biological sex. The draft guidance explicitly acknowledges that children are in an environment where the ideas that "boys don't cry" and "girls can't do that" are positions that they are likely to encounter among other children and staff. It is difficult to argue that children are able to innately understand what a girl or boy is without any influence from these regressive positions while also acknowledging that the children themselves may hold these positions and require instruction that boys can indeed cry.

Given that the understanding children form around these ideas can set them towards life changing decisions about their bodies, answers to these questions must be forthcoming before any consideration should be given to teaching this ideology to children.

None of this conflicts with the fact that there are evidently people who are distressed by their sex and/or have a desire to be the opposite sex. The concept of gender identity is an attempt to explain this, and it is notable that it is the only explanation which fortifies the desire of those experiencing it (that they really are the opposite sex). However, as outlined in the interim Cass report, it is not the only theory for why people may experience this distress/ desire.

The introduction to this draft guidance states that parents and carers have the right to have their children educated in conformity with their own religious and philosophical convictions, however, teaching gender ideology as fact is completely at odds with this for many. Some will be raising their children to be gender critical, which is understood as a legally protected philosophical belief. This the equivalent of teaching Christianity as fact to children who are being brought up atheist. The guidance must therefore address this by removing gender ideology from the RSHP curriculum so that withdrawal for this reason becomes unnecessary.

We would also recommend that further study is done to collect data regarding withdrawal of pupils for this and other reasons in order to understand the scope of the issue and inform an approach. Please see the response under question 9 relating to trust for more discussion on this.

4 How effective is the guidance in explaining the key issues of a whole school approach alongside a positive school ethos and culture are highlighted to teachers in delivering relationships, sexual health and parenthood education?

Neither effective or ineffective

How does this help bring consistency to learning?:

How this might bring consistency to learning (the question asked above this comments box) seems like something this draft guidance should be answering rather than respondents.

This section is quite brief and a little vague. It would be beneficial to cover the statutory requirement to foster good relations between different groups within this section.

5 Is the guidance sufficiently clear in supporting consent and healthy relationships having a greater focus in relationships, sexual health and parenthood education?

No

If you feel the guidance is not clear, what further additions are needed:

Sex is not included as a characteristic under which inequalities might arise. This omission should be corrected. There is further opacity in the use of both gender and gender identity as characteristics that a child would have, please see responses under questions 3 and 7 regarding gender as a concept and as something that children 'have'.

6 Is the guidance sufficiently clear in ensuring faith and belief is accurately captured in relationships, sexual health and parenthood education?

No

If you feel the guidance is not clear, what further additions are needed:

When belief is mentioned in isolation, it is often assumed to refer to religious belief. It would therefore be beneficial to include specific recognition of other beliefs such as philosophical beliefs within this dedicated section, as the guidance does within the introduction. On the same note, it is good to see the recommendation that schools should engage with local belief groups but again recognition that these may be groups representing beliefs other than religion, for example feminist groups, is needed.

The recommendation for schools to offer opportunities to voice different perspectives that relate to belief is welcome.

7 Is the guidance sufficiently clear in ensuring gender inclusive language is used to deliver relationships, sexual health and parenthood education?

No

If you feel the guidance is not clear, what further additions are needed:

Further consideration of language is required here, again relating to the use of gender. UNICEF define gender as follows:

"A social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender-based roles and other attributes, therefore, change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). This concept is useful in analyzing how commonly shared practices legitimize discrepancies between sexes."

The text in the draft guidance refers to "their gender". It is very clear that a child cannot "have" a social construct: gender is externally imposed; it is not a personal quality possessed by a child. The term "gender-inclusive" also suggests that we should be 'inclusive' of these social constructs/ expectations, which as the definition above notes, legitimise discrepancies between the sexes. These expectations are the very "girls can't do that, boys don't cry" examples which the guidance explicitly recommends challenging. Schools can either be inclusive of these expectations (although this would be inadvisable), or they can challenge them, but asking them to do both is illogical. Terminology should be revisited here in order to ensure effective communication of these aims.

8 Is the guidance sufficiently clear in explaining and including VSC/DSD/intersex people in relationships, sexual health and parenthood education?

Don't know

If you feel the guidance is not clear, what further additions are needed:

It is worth noting in this section, that the LGBTI inclusive education initiative, which has driven much of these changes, was originally to be LGBTI inclusive education. However, an intervention was made by a specialist organisation working with families affected by DSD conditions. They expressed concerns that there was no alignment between these groups and that this proposal did not fully take into account the issues faced by those with DSD conditions. Subsequently the 'I' was dropped.

It is important to acknowledge these different views, and that a preferred approach put forward by advocates for one group is not necessarily suitable for others.

This section acknowledges that many people do not like the term intersex, but it still uses the term uncritically, for example when quoting from the UN Global campaign against homophobia and transphobia. Given the issues already raised above, it will be vital to include input from specialist DSD organisations when considering this section of the guidance.

9 Is the guidance sufficiently clear in ensuring relationships, sexual health and parenthood education is lesbian, gay, bisexual and transgender inclusive?

No

If you feel the guidance is not clear, what further additions are needed:

There is a significant problem in being unable to separate out criticism of gender ideology from inclusive education measures that also includes homosexuality and bisexuality. The vast majority of parents and carers will have no problem with a curriculum that normalises the fact that relationships and families may involve same sex couples, and includes learning about notable LGB people within related fields (for example learning about Martina Navratilova in the context of PE). Homosexuality and bisexuality also clearly fall within the legislative scope of this guidance, as being sexual orientations, they relate to sexual matters. However, as discussed under question 1, transgender issues do not, and many people strongly object to the teaching of gender ideology as uncontested fact as discussed under question 3.

This must be addressed as there is a further consequence of the embedding of gender identity ideology in schools- the undermining of trust that this has engendered between those who have facilitated this embedding (such as schools, local authorities, Education Scotland, children's organisations, the Scottish Government) and the parents/carers of pupils. The attribution of prejudice and bigotry to the many objections parents have made in this area (such as those in response to the withdrawn transgender guidance and its replacement, which still has significant issues) has contributed to a fraught environment for parents raising concerns and for schools responding to them. Good faith engagement has been significantly damaged. The Scottish Government should use every opportunity to restore these damaged relations, including this consultation process and development of final guidance, as good relationships between schools and parents are vital for children's education and wellbeing.

10 Is the guidance sufficiently clear in explaining the requirement for pupils with additional support needs to have relationships, sexual health and parenthood education?

No

If you feel the guidance is not clear, what further additions are needed:

With regard to pupils with additional support needs, the draft guidance mentions "age appropriate education in line with their peers", however there is no acknowledgement that other learning for these pupils may not be in line with their peers. The guidance should make clear that education delivery should be based on the child's capacity which may be different from their peers due to their additional support needs.

As raised throughout this consultation response, the teaching of gender ideology as fact is a major concern and this is especially relevant for pupils who, due to their additional support needs, may be particularly vulnerable to adopting belief systems that may seem to make sense in their lives but which they are unable to critically evaluate.

The confusing and conflicting terminology and concepts evident within all Scottish Government output in this area, while clearly indicative of a faulty concept at the root, must at least be seen as a warning sign that this is not a concept suitable to introduce to children, particularly those whose capacity for criticality is limited.

11 Does the guidance provide sufficient resources and signposts to support teachers in delivery of relationships, sexual health and parenthood education, if not, which resources do you think are missing?

Insufficient

What resources should not be included?:

A range of resources that offer different perspectives will be most beneficial so that those involved in RSHP have an understanding of the breadth of the RSHP landscape. However, those which uncritically present ideology as fact should not be included.

What resources are missing?:

Those which present factual understandings of gender, are evidence-based and have a grounding in the principles of child development such materials produced by Transgender Trend, Sex Matters, Genspect.

About you

12 What is your name?

Name:
Chloe Klassen

13 What is your email address?

Email:
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14 Are you responding as an individual or an organisation?

Organisation

15 What is your organisation?

Organisation:
For Women Scotland

16 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

17 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

18 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

19 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: