

Why the Present United Kingdom Government Advice on Transgender Children Must be Challenged.

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On the 19th. December 2023 the United Kingdom Government published new guidance about how transgender children should be treated in schools. One stated purpose of this new guidance is revealed in the Government briefing paper which introduced it. This states that *"This guidance is intended to give teachers and school leaders greater confidence when dealing with an issue that has been hijacked by activists misrepresenting the law"*. It is a matter of sad co-incidence that, on the next day, the 20th. December, after an 18-day trial at Manchester Crown Court, a 16-year-old boy from Leigh and a 16-year-old girl from Warrington, were found guilty of murder of Brianna Ghey a 16-year-old transgender schoolmate in the most horrific circumstances. The trial judge indicated that part of the motives for this murder were hate against transgender people. Brianna was described as an *"It"* in their correspondence, and no remorse was shown for any of these acts. On the 7th. February 2024, Rex Benidict, a non-binary transgender teenager was beaten to death in Owasso High School in Owasso, Oklahoma, where Nex was a student, by three teenage schoolgirls in a horribly similar case. When it is known that the present United Kingdom government strongly supports only a gender-critical approach, this statement is a matter of particular concern.

Currently the nature and origins of transgender conditions are matters of intense dispute. On the one hand, the Professional Medical Institutions and World Authorities now define transgender identities as *"naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life"*: This identifies a basic or fundamental sense of belonging which lies at the core, or the heart of the personalities and identities which every one of us possesses. On the other hand, gender-critical feminist groups deny the existence or relevance of this core gender identity. They instead attribute gender identity wholly to a *"nebulous and collectively created social construct determined entirely through association with the gender role"*. This is the approach which Debbie Hayton, in her recent book *"Transsexual Apostate"* adopts. The allegation is made by these groups that psychologists and others *"invented"* the concept of gender identity in the 1960s to pursue social or political objectives, whereas the advances in research and access to experiential evidence which has been available from the 1960's onwards has enabled the core elements to be found.

Applying the diagnosis of personality variations, now universally adopted by the World Authorities and Professional Institutions, also identifies the creation of transgender identities as inwardly focussed and compulsive searches for identity These do not threaten others. And they involve the rejection of what is wrong. This must be set against the views of opposing gender-critical feminists who, along with many religious groups, instead identify transgender conditions as sexually driven but sublimated personality disruptions: These involve motives and feelings of behaviour and desire, so threats to others can be feared. The motives and methods of management profoundly differ: This, to the extent that the approach which one group considers to be that of compassion, acceptance and concern is almost inevitably regarded as one of grooming, recruitment, and coercion by the other. Managing transgender conditions as though they are perversions or disruptions are matters of dealing with feelings. Managing transgender conditions as personality variations recognises a much deeper attack on the sense of identity of each individual: so that approaches akin to compulsions may be required. It is hardly surprising that strong and toxic disputes occur. These differences mark a fundamental

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incompatibility and contradiction between the two approaches, and it highlights the harms that can be encountered when an incorrect diagnosis is made.

It is therefore essential that a clear and intensive and impartial analysis of all approaches is undertaken, especially since it is commonly believed that the nature and origin of transgender conditions is not well understood... However, in the past there was little doubt. Traditionally the Christian Churches have regarded all gender and sexually variant behaviour, including the expression of transgender conditions to be disordered acts of grave depravity which pursue inappropriate sex. Although Freud identified homosexuality as an inversion rather than perversion, Freudian psychodynamics have been and still are frequently used to identify all gender and sexually variant conditions as perversions, paraphilias or disruptions from a biologically or divinely ordained path of development: which is also driven by sublimated and inappropriate desires of sex.

For as long as all forms of gender and sexually variant behaviour was criminalised and subjected to severe legal penalties there could be no access to the experiential evidence which would challenge those understandings. Today, access to that evidence in the United Kingdom from the 1960's onwards has resulted in a total transformation in attitudes to lesbian and gay relationships: That is from one which had considered them to be sexually motivated perversions to one which now celebrates these relationships in same sex marriages and accepts them as expressions of love and identity instead of being driven by motives of sex. Many people today regard transgender conditions to be equivalent and compulsive searches for identity, but gender-critical groups continue to define transgender conditions as perversions, paraphilias or disruptions of (male) homosexuality: Thus, the motives of sex and desire are maintained. Transgender identities are considered as matters of volition and feelings, with threats to women's identities continue to be perceived, with the fears that arise.

There are fundamental limitations the traditional social learning theories when these are applied to the study of early development. Social learning theories presume that is the increasing powers of cognition alone that propels early development. Psychodynamic theories and religious doctrines already presume that the forces which drive learning, understanding and development forward are those of sex. In addition, children must have reached a median age of around three years before the powers of cognition come fully into effect. That delay is reflected in traditional approaches to early development which have regarded these first three years to be a time of seething emotions, where little constructive occurs. And that this provides a blank canvas upon which future development takes place. The same attitude is found amongst neuroscientists who take a cognitive approach. Gina Rippon, in her book *"The Gendered Brain"*, dismisses all effects of earlier development as *"Whack-a-Mole"* myths. These are stated to be myths which are repeated so often they come to be believed.

However, these arguments, and the failures in traditional theories, mean that the advances in the understanding of the neurological aspects of early development which have been pioneered by Girard, Dawkins, Gallese and others, from the 1960's onwards, must also be rejected. Far from the presumptions required by all traditional social learning and psychodynamic theories which by the nature of these theories, demand that it is only the cognitive processes of thinking, feeling, and imagining that drive development forward... early development under these neurological theories is instead understood to be driven by strong, innate, and pro-active neural forces. These involve mirror neurons, possessive imitation, empathy, and the like. They dominate from birth; and are the most active before the powers of cognition can take effect. A major alteration in the balance between these competing elements also takes place around a median age of two years. The nature of these transformations demands that the understanding of cognition must be recast. From one that is the primary driving force which propels learning and development forward, into one which creates order out of disorder by increasingly keeping these innate neural forces in check.

That change in perception also enables early development to be studied. I show elsewhere that major neural transformations which are unique to the first three to four years of life, are able to play a large part in enabling stable core elements of personality and identity... which includes gender identity, to be created. These core elements involve the separation of the self from the other. And this ability is needed before the social interactions with society can be understood. However perhaps the most

significant thing to note for our purposes is that these processes all involve the search for a coherence of self-identity. And not drives of sex.

Because of these disagreements, it is commonly believed that the nature and origin of these conditions is not well understood. That has led to much confusion in the treatment and management of transgender conditions, and when the present United Kingdom Government supports only the gender-critical approach and no other, that also causes major concerns. I have addressed these issues in a comprehensive study of the nature and origin of transgender conditions, where both neurological and sociological aspects are considered. It is concluded that much of the present confusion arises from the social and religious resistances to change, and from the failure of many practitioners in psychology, psychiatry, and sociology who continue to use traditional social learning and psychodynamic theories to attempt to explain how early development occurs. And who also fail to take full account of more recent advances in the understanding of the neurological aspects of early development. This disagreement also points to a further dispute between cognitivist and behaviourist neuroscientists, where the behaviourists argue that during early development modular structures which control lower-level neural functions, and are active from birth, while the cognitivists argue that these do not exist, or should be ignored.

Nevertheless, the results of this study confirm the diagnosis of transgender conditions as personality variations, in accordance with the approaches of the World Authorities and Professional Institutions. Both Government policies and scientific, medical, and clinical understandings are examined, and the results are fully reported. How and why the present United Kingdom Human Rights watchdog body (the EHRC) has come to adopt a policy which is entirely in accordance with that of the current United Kingdom Government is examined, and how their combined support of only one side; together with their denials of validity and credibility of any other in this hotly contested dispute, threatens all our human rights.

In the 1960s, excessive attempts to prove the validity of using Freudian psychodynamics by psychologists and others to manage transgender conditions was later to lead to a disaster. And these considerations caused a review of the validity of that approach. The same conflict is still manifest today, between those who, for religious or other reasons continue to use traditional psychodynamic and social learning theories to attempt to manage these conditions, and others who use the current professional approach. Those who pursue these traditional approaches must not only be able to defend their arguments against the knowledge that was available in the 1960s, but also against the new knowledge which research and experience is now able to provide.

Much therefore relies on the objectivity, quality, and reliability of the research that is undertaken. In the face of these intense disagreements, it is essential that all approaches are equitably considered but that is ignored. In place of challenging the validity of the approach adopted by the World Authorities and Professional Institutions, the research cited by gender-critical groups instead attempts to prove that male-to-female transsexuals are the victims of their own misfortunes and are at least as likely to propagate violence against women as all males. Some horrendous acts have taken place where, instead of exceptions, these acts are taken to be representative of the general transgender population. These allegations, and the validity of this research are also the subject of intense disputes. I have examined this research and I likewise challenge its validity. I conclude that a major problem lies in the selective nature of the information and the resources that are used.

At current Government level it would be hoped that an objective and impartial view of this medical, scientific, and experiential evidence, and of the current research would be taken, but this appears not to be the case. The disbanding of Government sponsored LGBT advisory groups, initially under Liz Truss, when she was the government minister responsible for Women and Equalities, the refusal to meet with, to consider the views, or heed the warnings of the House of Commons Select Committee on Women and Equalities, which has commissioned many reports, reviews, and scientific investigations into the methods of management, treatments, and the legislation needed for transgender people. Other instances include the quiet withdrawal of documents in the House of Commons Library and their replacement with others supportive of a more gender-critical approach.

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Also, the re-editing or issue of supplementary documents in ways which are intended to question the veracity of previous research. These actions all suggest the destruction or discrediting of an already existing evidence base, rather than any requirement for new research. Much of this experience and evidence had already been collected and collated by the United Kingdom House of Commons Women and Equalities Parliamentary Select Committee. This committee has strongly supported the approaches of the World Authorities and Professional Institutions, including the proposals to reform the 2004 Gender Recognition act to make it easier for transgender people to gain legal recognition of the gender identity. That would also remove the intrusive and the now considered medically inappropriate diagnosis of these conditions. This movement for reform had strong Government support from the previous Conservative administration under Theresa May. And, up to 2019, the same reforms were additionally endorsed by the United Kingdom Equalities and Human Rights Commission

On the 16th. July 2020 the Library of the United Kingdom Parliament published a revised House of Commons Briefing Paper on *“Gender Recognition and The Rights of Transgender People”* with no notice being given. Five days later, on the 21st. July 2020, Liz Truss, then Minister for Women and Equalities stood up in the United Kingdom Parliament and gave her absolute assurance that transgender rights will be protected. In the revised paper, the research in the original paper which had reported more favourably on the use of puberty blocking hormones was removed, and a statement that little is known about their long-term effect was inserted. All reference to the protection of children against transphobic bullying in schools, which had been present in the previous version of the paper was also removed.

We have had to wait to December 2023 for the publication of the new advice. This new advice does state that there should be no bullying of transgender people, but apart from this exhortation, it does nothing in any way to restore the protections against bullying which were previously included in the documents withdrawn from the House of Commons Library in July 2020. Instead, this Government guidance is much more likely to have the effect of increasing these possibilities. Specific recommendations are that *“boys should be kept out of women’s sports”, “a boy should never be allowed to go into a girls toilet, or vice versa”*. Teachers are permitted to misgender transgender children without penalty. It additionally states that, *“schools and colleges should only agree to a change of pronouns if they are confident that the benefit to the individual child outweighs the impact on the school community. It is expected that there will be very few occasions in which a school or college will be able to agree to a change of pronouns.* It further suggests that it will almost never be appropriate to use pronouns in accordance with a child’s wishes, and that there should be no assumption of allowing any flexibility on school uniform. The current EHRC advice also refuses to use the word *“transgender”* because, (as they have stated) they could not adequately define it.

The new Government guidance does say that alternative, but separate facilities should be provided for transgender pupils, but also makes it clear that these must never undermine the single-sex facilities that are provided. An earlier statement by the then Attorney General, Suella Braverman also declared that it is lawful for schools to misgender, deadname, ban from some sports, reject from enrolment based on their transgender status, and to refuse any or all other forms of gender affirmation to transgender children. Braverman additionally stated that to recognise their identities as transgender, would qualify as *“indoctrinating children”*. I agree that parents should be informed about any child’s concerns, and that every effort should be made to do so, but to make this an absolute requirement makes it impossible for the school to organise confidential counselling or to respect a child’s privacy whenever this is required.

It is understood that the present United Kingdom Government Minister for Women and Equalities, Kemi Badenoch wanted to go further and introduce an outright ban; but she could not do so because this would break International Human Rights treaties. When Stonewall criticised this new advice as *“Not being fit for purpose”*, Badenoch, lambasted Stonewall by saying it was giving very *“Bad advice”*. That verdict also comes, even though a freedom of information request has revealed that Badenoch had failed to meet a single LGBTQ+ group during her time as Equalities Minister, this despite telling MPs that she had *“engaged extensively”* with such organisations. When this so-called *“Bad advice”* is the same as that which is now almost universally endorsed by the World Authorities and Professional

Institutions, and when the views of these institutions are dismissed by Badenoch as merely the work of “*Transgender activists*”, serves to create and increase fears among the general population, and it highlights these inequalities in the Government approach. Also, when the underlying purpose of this guidance for schools and colleges, as it was revealed in the Government briefing paper on this issue, published on the 19th. December 2023 states that “*This guidance is intended to give teachers and school leaders greater confidence when dealing with an issue that has been hijacked by activists misrepresenting the law*”: that statement also destroys the impartiality of any approach. The only people the consultation was open to were, teachers, headteachers, school governors, trustees or directors, or administrators, there was no opportunity give for the views of any other groups, including professional or other bodies representing transgender issues to be considered.

These disagreements over the nature and diagnosis of transgender conditions are currently the topic of hot and often toxic disputes. Many people in the United Kingdom Government, religious groups, and the gender-critical movements may genuinely believe that they are acting in the best interests both of women and transgender people. But when they try to impose a diagnosis which supports only their own ideologies, and denies the validity of all the experiential, scientific, clinical, and medical evidence which is now available, they cause a great deal of harm. And when these differ to the extent that the approach which the World Authorities and Professional Medical Institution considers to be one of compassion, acceptance and concern is almost inevitably regarded as one of grooming, recruitment, and coercion by those in the gender-critical movements, governments, and certain religious groups, that greatly increases the alarm. It is crucial that governments, churches, and all those involved with these issues take an objective and impartial approach.

Treating transgender conditions as perversions, paraphilias or disruptions of (male) homosexuality also takes us back to a time when not only transgender conditions, but all gender and sexually variant conditions, were condemned as sexually motivated perversions, paraphilias, or disruptions from a biologically or divinely ordained path of development: And to a time when Margaret Thatcher was launching her own attack on the legitimacy of lesbian and gay relationships, including the popular viewpoint that children should not be taught about transsexuality or homosexuality until some appropriate “*age of maturity*” is reached. That is potentially disastrous, because the time when all gender and sexually variant children and their parents most need help to manage these conditions occurs from early childhood, not later in life. Therefore, regardless of goodwill or intentions, like the infamous “*Clause 28*” introduced by Margaret Thatcher to condemn “*pretend homosexual relationships*”, the pursuit of this gender-critical approach, attacks the very foundation stones upon which self-acceptance, self-esteem and self-identity are built.

It is precisely this exclusion and separation from the normal framework of society, which may have encouraged the murderers of Brianna Ghey to engage in their actions. It is the endorsement of this exclusion in the present Government advice on how children should be treated which must cause as great a concern. It is equally shameful for the present Prime Minister Richi Sunak to either apologise or withdraw the comment he made in the United Kingdom House of Commons which supported this Government’s gender-critical policies, particularly when he understood the mother of Brianna was present in the Public Gallery, just a few days after the guilty sentence for Brianna’s murder was passed.

The new Government advice on the treatment of transgender children in schools and colleges remained open to the 12th. March 2024. The link to download the consultation documents and the report of the outcome is given in the footnote¹. Although the consultation has now closed this document continues to be classed as advice, therefore it can be challenged in the courts. That opening will be denied if the Government succeeds in its present plans to change the 2010 Equality act to allow such separation and exclusions to be imposed, simply on the grounds of biological sex. Making any exclusions on the grounds of identity alone, whether it be gender, or colour, race, or ethnicity, attacks all our human rights. The effects of all of these failures in relation to transgender people should also demand an urgent review of the present Government Policy, the statements of the

¹ Gender questioning children: draft schools and colleges consultation guidance <https://consult.education.gov.uk/equalities-political-impartiality-anti-bullying-team/gender-questioning-children-proposed-guidance/>

current United Kingdom Equality and Human Rights Commission, and an investigation into the apparent unanimities in their approach.

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The resources used for this article are available in the following documents:

Gilchrist, S. (2024): *“Transgender Misdiagnoses: EHRC and Government Advice”*.
<https://www.tgdr.co.uk/documents/040B-MisdiagnosesAndAdvice.pdf>

Gilchrist, S. (2024): *“What Celtic Christianity and the Ancient Church of the East Can Tell us about Christian Attitudes to Women and LGBTI Relationships”*: <https://www.tgdr.co.uk/documents/040B-CelticChristianityWomenGenderSex.pdf>

Gilchrist, S. (2023): *“How to Trash the Economy, Transgender Identities and Human Rights”*
<https://www.tgdr.co.uk/articles/255P-HowToTrash.pdf>

Gilchrist, S. (2022): *“No Blacks, No Irish, No Homosexuals, No Transgender People”*: <https://www.tgdr.co.uk/documents/252P-NoBlacks.pdf>

Gilchrist, S. (2020): *“Managing Transgender Conditions Correctly: A Commentary on the Bell v Tavistock Case”*: <https://www.tgdr.co.uk/documents/249P-JudgmentResponse.pdf>

Where full references to original sources, or cross reference to other documents listing other sources are given.

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