

**202400420608 - DOCUMENT 1:**

From: [REDACTED - s.38(1)(b)]

Sent: Thursday, May 2, 2024 3:09 PM

To: Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>

Cc: [REDACTED - s.38(1)(b)], [REDACTED - s.38(1)(b)], [REDACTED - s.38(1)(b)],  
[REDACTED - s.38(1)(b)]

Subject: RE: Info: PQ Reference: S6W-26310 - Tess White MSP

Good Afternoon Private Office,

Just following on the back of the email below, we are very happy to provide a further update to Cab Sec on this work, including if she would like to meet, and we've provided some information below in the interim.

[OUT OF SCOPE INFORMATION]

There are a number of important issues that need to be considered in the new consultation document which have moved on significantly since the last consultation, including Gender Neutral toilets, ventilation and outdoor learning spaces and we wish to take a whole government approach to this consultation to ensure that the regulations are fit for purpose in a modern and inclusive school estate. [OUT OF SCOPE INFORMATION]

I hope this is a helpful update but officials would be happy to meet to discuss these plans in further depth. Please note I will be on leave until Tuesday 14th of May however colleagues in the copy list will be able to assist with any further questions.

Best Wishes,

[REDACTED - s.38(1)(b)]

**202400420608 - DOCUMENT 2:**

**From:** [REDACTED - s.38(1)(b)] **On Behalf Of** Cabinet Secretary for Social Justice 2024

**Sent:** Tuesday, May 28, 2024 4:30 PM

**To:** Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; [REDACTED - s.38(1)(b)]; Cabinet Secretary for Social Justice 2024 <CabSecforSJ@gov.scot>

**Cc:** Minister for Higher and Further Education; and Minister for Veterans <MinisterHFEV@gov.scot>; Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; Communications Education & Skills

<CommunicationsEducationandSkills@gov.scot>; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

**Subject:** RE: FOR CAB SEC VIEW: For Women Scotland report on gender/RSHP/LGBT education - Telegraph

Hi [REDACTED - s.38(1)(b)],

Ms Somerville is content with the lines.

Many thanks,

[REDACTED - s.38(1)(b)]

**From:** [REDACTED - s.38(1)(b)] **On Behalf Of** Cabinet Secretary for Education & Skills 2024

**Sent:** Tuesday, May 28, 2024 3:32 PM

**To:** [REDACTED - s.38(1)(b)]; Cabinet Secretary for Education & Skills 2024

<[CabSecES2024@gov.scot](mailto:CabSecES2024@gov.scot)>; Cabinet Secretary for Social Justice

<[CabSecSJ@gov.scot](mailto:CabSecSJ@gov.scot)>

**Cc:** Minister for Higher and Further Education; and Minister for Veterans

<[MinisterHFEV@gov.scot](mailto:MinisterHFEV@gov.scot)>; Minister for Children, Young People and The Promise

<[MinisterCYPTP@gov.scot](mailto:MinisterCYPTP@gov.scot)>; Communications Education & Skills

<[CommunicationsEducationandSkills@gov.scot](mailto:CommunicationsEducationandSkills@gov.scot)>; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

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[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

**Subject:** RE: FOR CAB SEC VIEW: For Women Scotland report on gender/RSHP/LGBT education - Telegraph

Hi [REDACTED - s.38(1)(b)],

Ms Gilruth is content with the lines, however comments that LGBT youth Scotland is not funded by education so we should check Ms Somerville is also content, have looped in Ms Somerville's PO

Many thanks

[REDACTED - s.38(1)(b)]

**From:** [REDACTED - s.38(1)(b)]

**Sent:** Tuesday, May 28, 2024 1:58 PM

**To:** Cabinet Secretary for Education & Skills 2024 <[CabSecES2024@gov.scot](mailto:CabSecES2024@gov.scot)>

**Cc:** Minister for Higher and Further Education; and Minister for Veterans

<[MinisterHFEV@gov.scot](mailto:MinisterHFEV@gov.scot)>; Minister for Children, Young People and The Promise

<[MinisterCYPTP@gov.scot](mailto:MinisterCYPTP@gov.scot)>; Communications Education & Skills

<[CommunicationsEducationandSkills@gov.scot](mailto:CommunicationsEducationandSkills@gov.scot)>; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

**Subject:** FOR CAB SEC VIEW: For Women Scotland report on gender/RSHP/LGBT education - Telegraph

## **PO Cabinet Secretary for Education & Skills,**

The Telegraph has approached us for comment on a For Women Scotland report on gender, LGBT education and RSHP education in schools.

The group claims that Scottish children are being taught contested concepts, such as self-ID, as fact. It has made a number of recommendations, including:

- Calling for the Supporting Transgender Pupils in Schools Guidance to be withdrawn and replaced with guidance compliant with the Cass review
- End involvement of LGBT Youth Scotland in schools
- Review the draft statutory RSHP guidance
- Allow parents to view materials used in sex and gender identity education and to remove children from lessons – they say that “gender ideology” is embedded in the whole curriculum, meaning parents cannot withdraw a child

Policy colleagues and SPADs are content with the below lines

Is Ms Gilruth content for this to be issued?? For awareness, the journalist has indicated that the piece will be publishing online at 2pm, so grateful for a response ASAP. We will ensure our response is added to the article.

Report attached for your awareness.

## **DRAFT RESPONSE**

### **A Scottish Government spokesperson said:**

“The Scottish Government has committed to ensuring the Supporting Transgender Pupils in Schools guidance remains up to date and fit for purpose. As with any significant developments, we will consider whether the guidance needs to be updated to reflect upon these.

“RSHP teaching guidance covers relationships, sexual health and parenthood education which has been a part of the Scottish curriculum since its inception in 2010.

“It is the responsibility of schools and local authorities to determine which organisations they use to help them deliver relevant and meaningful messaging.”

## QUERY

Hoping to get a line on this For Women Scotland report on Scottish schools.

They have replicated a Policy Exchange report last year on English schools which had a lot of influence on the UK Gov and their new policy of not teaching contested theories of self-ID as fact etc.

The overarching message is that Scottish kids are overwhelmingly being taught contested concepts as fact, and that the SG 2021 guidance and the influence of activist groups like LGBT Youth Scotland are a big factor behind this.

Would be helpful to get a response asap - they want to run online this afternoon and in print tomorrow. Obviously can add lines later online later if they don't come by 2ish.

key findings:

### Self-id

- **95%** of secondary schools operate policies of gender self-identification.

### Who is informed?

- Only **4%** of secondary schools are reliably informing parents as soon as a child discloses feelings of gender distress.
- **87%** of secondary schools did not say they would inform a child protection lead or medical practitioner when a child discloses gender distress.
- **15%** of secondary schools would seek advice from third-sector organisations such as LGBT Youth Scotland but would not inform parents or professionals.

### Single-sex

- At least **60%** of secondary schools are not maintaining single-sex toilets and **55%** are not maintaining single-sex changing rooms.
- **54%** of secondary schools are allowing children to participate in sports of the opposite sex, with **16%** offering mixed-sex sports only.

### Pronouns

- **86%** of secondary schools are requiring or encouraging other children to affirm a gender-distressed child's new identity.

### **What is taught?**

- **89%** of secondary schools are teaching that people have a gender identity that may be different from their sex.
- **7%** are teaching that some people or children may be born in the wrong body.
- **37%** are teaching pupils that a person who self identifies as a man or a woman should be treated as such in all circumstances, even if this does not match their biological sex.
- **75%** of schools use external providers for resources on gender identity. Most frequently cited are RSHP.SCOT, LGBT Youth Scotland and Time for Inclusive Education.

94% of councils expect their schools to use Scotgov's transgender guidance, with 88% of schools citing it in their FOI response.

### **recommendations**

1. Update the Scottish Government "Supporting Transgender Pupils in Schools: Guidance for Scottish Schools"

This has been the main route for gender ideology to enter schools and must now be withdrawn and replaced with guidance compliant with the Cass Review, School Premises Regulations and the Equality Act. If a school is to agree to social transitioning

at all, it should follow the Cass recommendations and only after a diagnosis and clinical decision is agreed.

2. End the involvement of LGBT Youth Scotland and other activist organisations Registered lobby groups promoting political and ideological advice have no place in schools that have a duty to provide factual, evidenced and unbiased information.

3. Review the involvement of external agencies in school education

The McCormack Review from 2012 concluded external agencies make important contributions to children's experiences, that current arrangements work well overall, and

that no further national guidance is required.

103 This should be revisited in light of the

substantial influence lobby groups have since been able to exert.

4. Improve child protection protocols

Activist groups have successfully removed a child expressing gender distress from being a child protection concern. Confidentially has inappropriately been assured and

parents not informed. This must be immediately rectified.

5. Review the draft statutory guidance on the delivery of relationships, sexual health and parenthood education

As seen in the recent public consultation, the draft guidance incorporates gender ideology.

104 The Scottish Government only has power to provide guidance on “sexual matters” and gender identity does not fall into this remit. The draft guidance should be

rewritten before proceeding any further.

6. Allow parents to view materials used in sex and gender identity education, and to remove their children from lessons

Parents have the right to withdraw their children from sex education lessons.

However,

gender ideology is not only incorporated into sex education classes but is embedded in

LGBT education across the whole curriculum, which effectively removes the ability to withdraw a child. Any teaching on gender identity must be uncoupled to restore this right.

[REDACTED - s.38(1)(b)]

**202400420608 - DOCUMENT 3:**

**From:** [REDACTED - s.38(1)(b)] **On Behalf Of** Cabinet Secretary for Education & Skills 2024

**Sent:** Thursday, June 20, 2024 5:02 PM

**To:** [REDACTED - s.38(1)(b)]; Cabinet Secretary for Education & Skills 2024  
<CabSecES2024@gov.scot>

**Cc:** [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];  
Communications Education & Skills

<CommunicationsEducationandSkills@gov.scot>; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

**Subject:** RE: CS Clearance Pls: School Toilets - Sunday Post

Hi [REDACTED - s.38(1)(b)],

Ms Gilruth is content.

Many thanks

[REDACTED - s.38(1)(b)]



**From:** [REDACTED - s.38(1)(b)]

**Sent:** Thursday, June 20, 2024 4:26 PM

**To:** Cabinet Secretary for Education & Skills 2024 <[CabSecES2024@gov.scot](mailto:CabSecES2024@gov.scot)>

**Cc:** [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];  
Communications Education & Skills

<CommunicationsEducationandSkills@gov.scot>; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

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[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

**Subject:** RE: CS Clearance Pls: School Toilets - Sunday Post

**Subject:** CS Clearance Pls: School Toilets - Sunday Post

CabSec & Private Office,

We've had a query from the Sunday Post about school toilets.

They've carried out a survey of schools and are claiming that this shows that only some of them conform to the Equality Act and School Premises regulations by providing the correct number of single sex toilets. They are asking what the Government/Ministers intend to do about this issue.

Grateful for views on the lines below which have been agreed with officials and SpAds.

Thanks

[REDACTED - s.38(1)(b)]

**Response:**

A Scottish Government spokesperson said:

"The provision of toilets in schools is a matter for local authorities."

Background

The Scottish Government is updating the School Premises (General Requirements and Standards) (Scotland) Regulations and will be consulting on changes in due course.

[REDACTED - s.38(1)(b)]

**To:** [REDACTED - s.38(1)(b)]

Hello [REDACTED - s.38(1)(b)], good to speak to you,. can we get comment from the Education Minister on the issue of mixed sex toilets in schools please.

A few years ago the Children's Commissioner raised this issue as a matter of concern with the Scottish government.

A new survey has shown that only a dozen or so secondary schools actually conform to both the Equality Act and the Schools Premises Regulations by providing the correct number of single sex toilets as well as the correct number of urinals for boys. Increasing numbers are however providing mixed sex toilets only- and there is concern that this will end up becoming the norm.

Around four years ago there were headlines about Jedburgh Grammar and Kelso High because boys were urinating on the period products in their mixed sex toilets and waving products "like flags" which caused distress to girls and led to them not wanting to use these facilities.

Despite the law being quite clear, the Scottish government have failed to issue robust guidance other than to say pupils should use whatever toilet they feel comfortable in.

Can we get some comment on what the Minister intends to do regarding this issue.

Some figures from the survey- only around half of Scottish secondary schools provide the correct number of single sex toilets.

16 per cent provide mixed sex only.

Only 13 schools across Scotland conform to the regulations on having the correct number of single sex toilets AND the correct number of urinals for boys.

Experts are saying the use of mixed sex facilities is increasing the risk of bullying for girls, and causing health issues as girls are refusing to use mixed sex facilities.

**202400420608 - DOCUMENT 4:**

10 July 2024

Dear [REDACTED - s.38(1)(b)],

Thank you for your email of 27 June 2024 to John Swinney MSP, First Minister of Scotland, regarding single sex spaces within schools. Your email set out the concerns that you have in relation to both the implementation of the Supporting Transgender Young People in Schools Guidance in relation to single sex spaces in schools. I have been asked to respond on behalf of Mr Swinney.

Thank you for the information that you provided as part of your correspondence. You have asked when the Supporting Transgender Young People in Schools Guidance will be updated. We are committed to ensuring that the schools guidance is up to date and fit for purpose. I confirm that the Scottish Government has committed to reviewing the guidance document in light of the updated Technical guidance for schools on the Equality Act 2010 produced by the Equality and Human Rights Commission.

The Cass Review is predominantly a review of the gender health service offered by the NHS in England. As with any significant legal or policy developments, we are considering whether the schools guidance should be updated in light of its findings. The guidance does not contain any advice which is inconsistent with the law, policy or practice for the protection of children in Scotland.

I also confirm that the Supporting Transgender Young People in Schools guidance does not recommend that pupils are encouraged to socially transition and any claim otherwise is completely incorrect. The guidance is clear that schools should, however, support all young people, including those who are considering their identity.

The Supporting Transgender Young People in Schools guidance was published as a result of concerns that transgender young people in Scotland experience barriers to their learning. The guidance offers education authorities and schools non-statutory guidance on legislation, policy and practice to inform their approaches to this support. As is usual with non-statutory guidance, education authorities and schools can choose to use the guidance, or not, as they see fit.

I hope that this information is helpful to you.

Inclusive Education Team  
Improvement Attainment and Wellbeing Division

**From:** Info forwomen.scot <[info@forwomen.scot](mailto:info@forwomen.scot)>  
**Sent:** Thursday, June 27, 2024 6:13 PM  
**To:** First Minister <[firstminister@gov.scot](mailto:firstminister@gov.scot)>  
**Subject:** Single-sex spaces

Dear Mr Swinney,

This morning on Radio 4 Women's Hour you stated that "We've got to make sure that what is in the legislation is turned into a practical reality and that we do have the provisions in the Equality Act 2010 are utilised to ensure that single-sex spaces are used in a way that protects the security and the safety of women and girls. And there is nothing, absolutely nothing, I want to do which jeopardises the security and the safety of women and girls."

We recently conducted a Freedom of Information exercise in which 60% of 351 local authority run secondary schools in Scotland (out of a total of 359) stated that in practical reality they allow children who declare a trans identity to use toilets provided for the opposite sex. As you know, any debate surrounding gender recognition for adults over the age of 18 do not apply to school children, who should always be treated as their biological sex.

Similarly, 55% of schools allow children to access changing rooms designated for the opposite sex and 54% allow participation in opposite sex sports teams.

This is certainly not the provisions in the Equality Act working well. Children, particularly girls, have had their privacy and dignity removed and many experience it as an intimidating, hostile, degrading, humiliating or offensive environment with greater risk of sexual harassment and risk of injury and unfairness in sports.

Our report can be read here: <https://forwomen.scot/wp-content/uploads/2024/06/Whats-Happening-in-Your-Childs-Classroom.pdf>

We also did a follow up report focusing on school toilet provision which shows the most appalling breach of legislation, both of the School Premises Regulations and the non-harassment provisions for schools in the Equality Act:

<https://forwomen.scot/wp-content/uploads/2024/06/Whats-Happening-to-Your-Childs-School-Toilets.pdf>

It is quite extraordinary to hear you express confidence that single-sex spaces for women and girls are well protected under the Equality Act when there is clear evidence that they are not. The security and safety of girls is absolutely in jeopardy.

This situation, along with many others, urgently needs to be rectified. Can you please explain what actions the Scottish Government will take and when the Government's transgender guidance for schools will be corrected and updated? We would very much appreciate a meeting in order to discuss how widespread and problematic this issue has become for women and girls across a number of services and the steps that should be taken to resolve the loss of Equality Act rights.

Kind regards,

[REDACTED - s.38(1)(b)]  
Directors, For Women Scotland

**202400420608 - DOCUMENT 5:**

**From:** [REDACTED - s.38(1)(b)]

**Sent:** Monday, June 3, 2024 8:00 AM

**To:** [REDACTED - s.38(1)(b)]

**Cc:** Communications Social Justice <CommunicationsSocialJustice@gov.scot>;

Director for Equality, Inclusion and Human Rights

<DirectorforEIHR@gov.scot>; Director of Justice <DirectorofJustice@gov.scot>;

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)];

[REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]

**Subject:** RE: SPAD VIEWS PLEASE: Gender query - Daily Mail

**[REDACTED - s.38(1)(b)]**

Hi. Removing SPADS. Subject to comment from you and colleagues, I think we can say:

“The Scottish Government strongly supports the separate and single sex exceptions in the 2010 Act, which can allow for trans people to be excluded when this is a proportionate means of achieving a legitimate aim.”

By way of background we could add:

“ The Equality Act 2010 is generally reserved. The Gender Recognition Act 2004 is generally devolved”. [There are some aspects of the 2004 Act which are reserved such as the peerage and pensions and benefits].

There is an article in The Times today and a comment piece by Kemi Badenoch, the UK Minister for Women and Equalities. (I have a hard copy of The Times in SAH). The BBC coverage is at [Tories pledge to tackle 'confusion' over legal definition of sex - BBC News](#)

Ms Badenoch indicates that the Conservatives would:

- “clarify that “sex” in the Equality Act means biological sex.”
- “legislate to establish that gender recognition is a reserved matter”.

She adds that:

- “Our legislation will mean that for the purposes of the Equality Act, the provision in the Gender Recognition Act recognising legal sex will be disapplied”.

This appears to be a reference to section 9 of the [Gender Recognition Act 2004 \(legislation.gov.uk\)](#). It seems that the Conservatives would legislate to disapply the effect of section 9 in relation to references to “sex” in the Equality Act.

Ms Badenoch also refers to

- her request in 2023 to the Equality and Human Rights Commission for advice on whether the definition of “sex” in the Equality Act 2010 should be amended to refer specifically to biological sex  
<https://www.equalityhumanrights.com/media-centre/news/clarifying-definition-sex-equality-act>;
- the planned changes to the Building Regulations in England “to stop the fad for “gender-neutral” toilets”; and
- the regulations (which extend to Scotland) made last week on puberty blockers [The Medicines \(Gonadotrophin-Releasing Hormone Analogues\) \(Emergency Prohibition\) \(England, Wales and Scotland\) Order 2024 \(legislation.gov.uk\)](#)

Our General Election guidance [UK General Election 2024: guidance for civil servants - gov.scot \(www.gov.scot\)](#) says “officials should not be asked to provide new arguments for use in election campaign debates”.

The proposal to make the Gender Recognition Act 2004 reserved is new. However, the FMQ note on transgender equality [FMQ - Transgender Equality - 3 June 2024 details - Objective ECM \(scotland.gov.uk\)](#) already says:

“The Scottish Government strongly supports the separate and single sex exceptions in the 2010 Act, which can allow for trans people to be excluded when this is a proportionate means of achieving a legitimate aim.”

So I think we are safe saying that. I also think in the background we can add points on the generally reserved nature of the Equality Act 2010 and the generally devolved nature of the Gender Recognition Act 2004.

We could also perhaps point to the comments made by Baroness Falkner, the Chair of the EHRC, when the EHRC provided their advice to Ms Badenoch: [Clarifying the definition of ‘sex’ in the Equality Act | EHRC \(equalityhumanrights.com\)](#)

[REDACTED - s.38(1)(b)]

**202400420608 - DOCUMENT 6:**

**From:** [REDACTED - s.38(1)(b)]

**Sent:** Monday, June 17, 2024 5:11 PM

**To:** [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]; [REDACTED - s.38(1)(b)]

**Subject:** Reform UK Manifesto - for info

[Reform UK Our Contract with You.pdf \(nationbuilder.com\)](#)

Key points

- Reform the Child Maintenance Service We will launch a special division of the Family Court for maintenance and defaults. Share parental care 50/50 where appropriate. Rights of access for grandparents. (page 10)
- Ban Transgender Ideology in Primary and Secondary Schools No gender questioning, social transitioning or pronoun swapping. Inform parents of under 16s about their children's life decisions. Schools must have single sex facilities. (page 11)
- Mandate Single Sex Spaces Public toilets and changing areas must provide single sex facilities. (page 16)
- Replace the 2010 Equalities Act The Equalities Act requires discrimination in the name of 'positive action'. We will scrap Diversity, Equality and Inclusion (DE&I) rules that have lowered standards and reduced economic productivity. (page 22).

[REDACTED - s.38(1)(b)]