

EVIDENCE-BASED SOCIAL WORK ALLIANCE

Thank you for meeting with us so that we can share our concerns about the safe provision of social care both now and in the future. The context for our concerns is the rapid acceptance of claims made about gender identity, and the adoption of policy and practice which jeopardise the following within social work and social care:

1. The safe provision of single sex services and facilities
2. The rights, dignity and safety of service users
3. Public confidence in the regulation of the profession
4. Standards for evidence based education and training within social work and social care.

If the Gender Recognition Reform Bill becomes law unamended, the practices we are concerned about will be given formal legal expression.

1 Safe Provision of single sex services

The workforce regulated by the SSSC includes those providing intimate personal care of vulnerable elderly and disabled people, and the care and protection of children, including those in the care of the state and separated from their parents and families.

As the workforce regulator, the SSSC has a duty to collect accurate and verifiable information about registrants. We believe that SSSC must collect accurate information about the sex of registrants in the interests of public safety and public confidence. Many service users are vulnerable by virtue of the protected characteristics of age, ability, and sex. Others hold religious or cultural beliefs about contact between male and female persons particularly those who are unrelated. Service users are entitled to dignity and protection which necessarily includes the right to know and, in appropriate cases, to choose the sex of persons to provide intimate personal services.

Processes adopted by Disclosure Scotland seem to directly contradict assurances given that single sex provision is not threatened by accepting gender identity beliefs.

“Information for transgender disclosure applicants” on the Disclosure Scotland website announces changes which appear to have come into effect in June 2021. These are that:

- If you're transgender, you can apply for a disclosure using a special process.
- This means you do not have to tell the person or organisation asking you for a disclosure what your previous gender was. You only have to tell Disclosure Scotland. DC will not disclose the information.
- Disclosure certificate will show current name. It will not include any previous names.
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NB it is not clear if eligibility for non disclosure to use these processes requires possession of a GRC. If the GR Reform proposals go through, GRCs will be automatically issued to all those who make a formal declaration. The Scottish Govt has said that it anticipates a much increased (ten fold?) number of GRCs being issued.

EVIDENCE-BASED SOCIAL WORK ALLIANCE

There is no current legal basis for this process being offered to persons who claim to belong to the opposite of their biological sex.

2 Rights and dignity of service users .

The Codes of practice require:

1. *As a social service worker, I must protect and promote the rights and interests of people who use services and carers.*

1.2 Respect and, where appropriate, promote the views and wishes of people who use services and carers.

1.3 Support the rights of people who use services to control their lives and make informed choices about the services they use.

How can social care workers and their employers protect and promote the rights and interests of service users and carers in relation to their right to single sex services, and to make informed choices in the context of Disclosure Scotland policy? And of policies adopted in many workplaces in accord with this.

We are aware that many social workers and presumably those in wider social care are being discouraged from questioning or challenging gender identity beliefs and affirmation of claimed gender identity. We know of one worker in England who has been formally sanctioned for holding and expressing critical views.

The Codes of Practice for employers states:

As a social service employer, you must have written policies and procedures in place to protect people who use services and carers, and to support social service workers.

The Code also requires that employers will:

4.1 Make it clear to social service workers that bullying, harassment or any form of discrimination is not acceptable and take action to deal with such behaviour.

Does the SSSC believe that this duty for employers should protect those who hold gender critical beliefs from bullying and harassment at work and from demands to support and uphold gender identity beliefs? from referral to the SSSC for disagreeing or questioning gender identity beliefs?

3 Public Confidence

2.1 Be truthful, open, honest and trustworthy.

The SSSC is charged with maintaining a register of social workers and care workers and their managers in order to provide assurance to the public of their suitability to hold those roles. The sex of individual registrants is an important aspect of their identity and should be made publicly

EVIDENCE-BASED SOCIAL WORK ALLIANCE

available. The sex of registrants must be recorded accurately in order for the SSSC to provide correct information on the proportion of males and females on the register, and crucially about the sex of those reported and involved in conduct hearings.

4 Standards of education and training

6.1 Meet relevant standards of practice and work in a lawful, safe and effective way.

The SSSC has a role to quality assure approved qualifications and programmes. As well as responsibility to develop the knowledge and skills of the workforce.

We are concerned about the development of the notion of a transgender child as included in The Scottish Government school's advice on Transgender pupils
<https://www.gov.scot/publications/supporting-transgender-young-people-schools-guidance-scottish-schools/>

The section on responding to people coming out implicitly suggests that an affirmation model is used with any child who wishes to change their gender identity.

There is no social work or child development evidence base to support the idea of a transgender child nor is their evidence that an affirmation model is effective.
https://www.ebswa.org/files/ugd/2a3ee9_95147381dd7d4f74a8956462ce465b2c.pdf

Indeed, the CASS review Interim Report highlighted that there is lack of consensus and open discussion about the nature of gender dysphoria and therefore about the appropriate clinical response.
<https://cass.independent-review.uk/publications/interim-report/>

In view of the above

Can you confirm whether you are working on any learning resources for this issue?

Do you know if any of the providers of Social Work or Early Years education are teaching this on their courses.

Future

The Gender Recognition Reform Bill if it becomes law will allow anyone to change the sex recorded on their birth certificate on the basis of declaration alone. If the Bill is not amended concealment of biological sex will make the Codes of Conduct unenforceable.

www.ebswa.org correspondence to info@ebswa.org
