

**Government Consultation
Banning Conversion Therapy
December 2021**

1. The NASUWT welcomes the opportunity to comment on the Government Office consultation on Banning Conversion Therapy.
2. NASUWT - The Teachers' Union, represents teachers and headteachers across the United Kingdom.
3. The NASUWT's evidence is informed directly by serving teacher and headteacher members and also by the work of its representative committee and consultative structures, comprising practising teachers and school and college leaders working in the education system.
4. The NASUWT uses the umbrella term of LGBTI, in line with many of its international sister unions and Education International. For the purposes of this consultation, however, the Government's term of LGBT+ will be utilised.

GENERAL COMMENTS

5. The NASUWT believes that conversion 'therapy' is an abhorrent act which poses a great risk to public health, in particular the mental health of those subjected to it.

6. The NASUWT has long opposed conversion ‘therapy’ in all its forms and has consistently voted in line with this policy at TUC LGBT+ conferences, most recently in 2014 and 2017.

SPECIFIC COMMENTS

Section 5.1

Question 1 – *To what extent do you support, or not support, the Government’s proposal for addressing physical acts of conversion therapy? Why do you think this?*

7. The NASUWT supports the Government’s proposal for addressing physical acts of conversion ‘therapy’ and strongly believes that serious violent and/or sexual offences must be treated in a way which reflects the weight of the offence. Existing sentences for those offences which are already covered by law must be strengthened if conversion ‘therapy’ is an aggravating factor.
8. The NASUWT asserts that the proposed Bill should contain a clear and comprehensive definition of conversion ‘therapy’ and practices. This should provide clarity for all enforcement agencies, which should be provided with protected and ring-fenced funding to take enforcement action.

Question 2 – *The Government considers that delivering talking conversion ‘therapy’ with the intention of changing a person’s sexual orientation or changing them from being transgender or to being transgender either to someone who is under 18, or to someone who is 18 or over and has not consented or lacks the capacity to do so, should be considered a criminal offence. The consultation document describes proposals to introduce new criminal law that will capture this. How far do you agree or disagree with this?*

Question 3 – *How far do you agree or disagree with the penalties being proposed?*

Question 4 – *Do you think that these proposals miss anything? If yes, can you tell us what you think we have missed?*

9. The NASUWT agrees with the majority of these proposals. However, the issue of ‘consent’ is contentious. The NASUWT does not believe that there should be any exemptions at all for any organisation, or person, that provides talking ‘therapy’ to someone over the age of 18, who had the capacity, and has given consent.
10. The Government’s own research into this practice found that adults who said they had consented to it were not given full and unbiased information about the practice, were not informed of the risks such practices involved, and were not offered any alternative.^{1 2} Many who give ‘consent’ only do so to assuage family/friends/community pressures.
11. Again, Government research and evidence found that just over half (51%) of the organisations offering and carrying out conversion ‘therapy’ were religious or faith-based.
12. The Government must be firm and clear in the legislation that religious and faith-based organisations are not exempt from the legislation. Indeed, they must be explicitly written into the legislation. LGBTI people, and particularly those LGBTI people who may be working for these organisations, must be covered and protected by the legislation.
13. Legislation on domestic abuse, female genital mutilation (FGM) and forced marriage all provide examples of circumstances in which

¹ [National LGBT Survey: Summary report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

² [Research and analysis overview: Conversion therapy: an evidence assessment and qualitative study - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Parliament has recognised and acknowledged the danger of allowing consent as a defence when considering these harmful or potentially harmful practices.

14. There cannot be any justification for conversion 'therapy' and therefore the consent issue is moot and should be removed from the proposed Bill and legislation.
15. The proposals are also not completely clear on the definition of what LGBT+ identities means. The legislation should be clear that the umbrella term of 'LGBT+' covers **all** LGBT+ identities and that they, whether on grounds of sexual orientation or gender, are protected, under the law, from these harmful practices.
16. The NASUWT believes that the Government's proposals are silent on the issue of 'suppression', which can be just as dangerous and impactful in the long term as physical or talking conversion 'therapy'.
17. The NASUWT asserts that suppression is another form of conversion 'therapy'. It can be just as damaging to try to get a person to never act, feel or think about their LGBT+ identity.
18. The NASUWT strongly believes that the proposed legislation should include the word 'suppress' as well 'change'. If this does not happen, the Government will leave a gaping loophole for perpetrators of conversion 'therapy' to claim that their therapy was not about changing a person's identity, but rather to prevent them from acting on it.
19. The NASUWT also believes that there is some potential ambiguity in the wording of parts of the proposal and would strongly urge that the wording should make it absolutely clear that gender transition services are **not** considered a form of conversion 'therapy'. Clarification on this is absolutely vital to those trans members already fighting the system to gain access to legitimate healthcare and support and facing unacceptable waiting times for both.

Section 6.2

Question 9 – *The consultation document describes proposals to introduce conversion therapy protection orders to tackle a gap in provision for victims of conversion therapy?*

Question 10 – *To what extent do you agree or disagree with our proposals for addressing the gap we have identified? Why do you think this?*

20. The Government itself has identified a gap in the protections for LGBT+ people who could be sent or taken overseas to undergo conversion ‘therapy’. This is most especially true for LGBT+ young people.

21. The NASUWT supports, in principle, the introduction of Conversion Therapy Protection Orders and would welcome similar offences to those linked to aiding and abetting the removal of a person from the UK for the purposes of conversion ‘therapy’ in the same way as those who aid and abet the criminal offences of FGM and forced marriage.

22. In addition to the above, there are concerns about providers of so-called conversion ‘therapy’ who provide this practice in the UK, but are based offshore, via the internet and various video platforms. The NASUWT asserts that the legislation should contain reference to this and such practices and organisations should be blocked from using these platforms to circumnavigate the legislation.

23. The NASUWT believes that much more should be done to identify international victims of conversion ‘therapy’ and ensure that there are safe and legal routes to asylum for them when they are fleeing persecution.

Section 6.3

Question 11 – *Charity trustees are the people who are responsible for governing a charity and directing how it is managed and run. The consultation document describes proposals whereby anyone found guilty of carrying out conversion therapy will have the case against them for being disqualified from serving as a trustee at any charity strengthened. To what extent do you agree or disagree with this approach? Why do you think this?*

24. The NASUWT agrees with the proposal that anyone found guilty of carrying out conversion ‘therapy’ will have the case against them for being disqualified from serving as a trustee at any charity strengthened.

25. The NASUWT is clear, however, that this should be extended to those who promote conversion ‘therapy’. There must not only be a strong deterrent from engaging in these harmful practices, but this would limit the further influence of those found guilty and help to prevent offences reoccurring.

Section 6.5

Question 12 – *To what extent do you agree or disagree that the following organisations are providing adequate action against people who might already be carrying out conversion therapy? (Police; Crown Prosecution Service; OTHER statutory service)? Why do you think this?*

Question 13 – *To what extent do you agree or disagree that the following organisations are providing adequate support for victims of conversion therapy? (Police; Crown Prosecution Service; OTHER statutory service)? Why do you think this?*

Question 14 – *Do you think that these services can do more to support victims of conversion therapy? If yes, what more do you think they could do?*

26. The LGBT+ community has seen a disproportionate cut in funding, resources and services in the past decade. The NASUWT asserts that the Government must ensure that there is adequate/sufficient funding for LGBT+ organisations, including those who are tackling LGBT+ violence and addressing all forms of conversion ‘therapy’.
27. This is particularly key for those organisations supporting LGBT+ young people, who are over-represented in the figures of youth homelessness. Conversion ‘therapy’ is often a contributory factor in that homelessness. This must be both acknowledged and addressed.
28. The NASUWT asserts that increased funding and other additional resources must be directed to LGBT+ specialist organisations, the Police and the Crown Prosecution Service, as well as other statutory services and bodies. Otherwise the Government’s stated aim of banning and eradicating conversion ‘therapy’ will be ineffective and inevitably fail.

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NASUWT
The Teachers’ Union

Appendix A: Respondent information

What is the name of your organisation? NASUWT

What type of organisation is it? Trade Union

Which country does your organisation work in? The NASUWT has members throughout the UK, representing teachers in England, Northern Ireland, Scotland and Wales. In addition, the Union represents teachers in the Channel Islands, the Isle of Man (IOM) and Gibraltar. The NASUWT represents teachers in all roles, including headteachers/principals, and organises in all sectors from early years to further education. The Union is affiliated to the TUC and ICTU.

Approximately how many people work in your organisation? The NASUWT has 350+ employees in workplaces throughout the UK and represents teachers and headteachers in schools and colleges in the UK and beyond.