

IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER

Case No. CA20210013

Courtroom No. 5

PO Box 9300
Leicester
LE1 8DJ

Thursday, 15th September 2022

before

TRIBUNAL JUDGE GRIFFIN
& TRIBUNAL JUDGE NEVILLE

MERMAIDS

- v -

CHARITY COMMISSION
& LGB ALLIANCE

MR M GIBBON KC and MR T LOVEDAY appeared on behalf of the APPELLANT
MR I STEELE appeared on behalf of the FIRST RESPONDENT
MS K MONAGHAN KC and MS A REINDORF appeared on behalf of the SECOND
RESPONDENT

WHOLE HEARING

UNOFFICIAL TRANSCRIPT AGREED AS ACCURATE BY THE PARTIES

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1 [Audio begins mid-sentence].

2 JUDGE GRIFFIN: -Ms Reindorf. Good morning, Ms Reindorf. It appears that peace has
3 descended on the CVP link. We do not know what the issue was, but we are going
4 to press on in the hopes that there will not be any further in, interruption. So good
5 morning, everybody in the room and good morning, everybody on the link. Let us
6 just carry on where we left off, Mr Gibbon, good morning, Miss Harris.

7 MISS HARRIS: Good morning.

8 WITNESS EVIDENCE OF KATE HARRIS (Cont'd.)

9 Cross-Examination by MR GIBBON (Cont'd.)

10 Q. Good morning, Miss Harris, just to remind ourselves where we got to yesterday,
11 we'd been talking about the formation of LGB's mission statement etc. but I just
12 wanted to move on in the sequence to the Articles of Association. We've got the
13 full Articles but it's insufficient just to go to the application for charitable status to
14 behind Article Two, that's found in point 2.1. And that's at page 926.

15 **Pause.**

16 MR NOAH[?]: Sorry to interrupt. Could you speak closer into the mic, please? I cannot
17 seem to hear you.

18 MR GIBBON: Green light?

19 [Crosstalk]

20 MR GIBBON: I've got the green light to say [inaudible] say so, it's directional, if I turn
21 my head-

22 JUDGE GRIFFIN: Yes, it is difficult, we are trying our best Mr Noah, I think people will
23 just have to bear with us.

24 MR NOAH: Okay, thank you.

25 Q. [Inaudible] hopefully this will be sufficient. And looking at that document, just to
26 go through a few particular words and phrases in it, I'm not going to read the whole
27 thing out, obviously, but there's reference to sexual orientation, equality and
28 diversity in respect of those who are gay and bisexual people, and later on in 2.2,
29 those who face discrimination on the grounds of sexual orientation. That's, I'm
30 sure not comprehensive, but it's correct, isn't it, that there's no explicit mention of a
31 gender critical view, or a view that says biological sex is the defining feature.

32 A. That is correct. Mr Steele will know that our application to the Charity
33 Commission took a year, and, no criticism there whatsoever, but in
34 communications between our lawyers and the Charity Commission, you will see

1 some of the correspondence in the bundle where biological, the difference between
2 us and other organisations is our emphasis on the centrality of the biological
3 differences between men and women. And that was clearly laid out before the
4 Charity Commission made their decision to award us charitable status, but it is, it is
5 not, the words are missing. I think Miss Jackson said yesterday, we, we thought
6 this was easily understood by the majority of people who believe in definitions laid
7 down in the Equality Act, that sexual orientation means males attracted to males,
8 same sex, I am sorry, and females attracted to females.

9 MR GIBBON: That goes into a separate question which may not simply be a legal
10 question, but in terms of my [inaudible]-

11 MR NOAH: Sorry to interrupt again, I think the microphone is not working, because I
12 can't pick up any proper sound, so we might have to change the microphone.

13 JUDGE NEVILLE: Is that for, is that for everyone or just one speaker?

14 MR NOAH: No, I can hear the witness clearly, but it's yes, it's the other microphone. Yes.

15 JUDGE GRIFFIN: We are going to swap the microphones, Mr Noah, bear with us a
16 moment.

17 MR NOAH: Thank you.

18 JUDGE GRIFFIN: Leave them both there, in fact, Corinthia.

19 JUDGE NEVILLE: Yes, yes. If you, if you assemble Mr Gibbon like a press conference.

20 MR GIBBON: Do it in stereo.

21 JUDGE NEVILLE: Yes.

22 MR NOAH: Yes, that's much better.

23 MR GIBBON: Right, okay.

24 JUDGE GRIFFIN: Thank you.

25 MR NOAH: Thank you.

26 JUDGE GRIFFIN: You were just saying, Mr Gibbon that the answer that the witness gave
27 to your last question might move into a legal question for later?

28 Q. Indeed. And obviously, I'm not here to cross-examine you about the law. That's a,
29 that's a matter for submission at the end. But if I can come back to the question,
30 which I think we're agreed on, that on the face of the document, it doesn't mention
31 gender critical or biological sex, and it doesn't say there's any particular definition,
32 legal or otherwise, does it?

33 A. No.

34 Q. So, in order to reach that conclusion, and I'll make it clear, I'm not suggesting you

1 didn't have those conversations with the Charity Commission, but it was necessary
2 to give those explanations, because the document as a standalone wouldn't have
3 made your position clear?

4 A. No. I don't agree with that. I think our solicitors gave that in supplementary
5 responses to the Charity Commission following a petition to, to not allow us to
6 register. But bearing in mind that these objects were based on the objects of
7 Stonewall, well known for the last 30 years as a leading LGB organisation, I guess
8 we thought it was implicit and that most people would understand same sex sexual
9 orientation to be based on biology. It may be, Mr Gibbon, that we need to add an
10 additional clause that says based on our understanding of biological difference
11 between the two sexes, but at the moment, we're using the language of the Equality
12 Act.

13 Q. And as I say, I think it's a matter for further down the line, whether that is an
14 agreed, entirely agreed position as to how the Equality Act should be understood. I
15 think it's the case, in fact, that you did include reference to this, albeit quite deep
16 down in the application to the Charity Commission, rather than supplementing it
17 later, and if I ask you to turn to page 944, you will see that. As I say, it's quite a
18 way into the application. Presumably, you saw this application before it was
19 submitted?

20 A. I did.

21 Q. So if you look, this is, this is at page headed, "What are the benefits of the
22 organisation's purposes". And third paragraph, you'll see that it starts "LGB
23 Alliance will work to offer the LGB community an alternative and balanced
24 narrative, rather than focus on the gender spectrum. In educating the public about
25 human rights and equality issues relating to the LGB community, LGB Alliance's
26 position will be that there are only two sexes and gender is a social construct, and
27 that this perspective should form part of the discussion about these issues"?

28 A. Yes.

29 Q. So I think you would accept that it wasn't something that arose later in
30 correspondence, it was included in the application but, but quite a long way down
31 by way of explanation?

32 A. I agree.

33 Q. So going back to 236 in case we need to look at it again, obviously, you've
34 expressed your view as to how those words should be understood, but I think you

1 would accept as well, that in practice, it is commonplace that a lot of people use sex
2 and gender interchangeably?

3 A. Especially since 2015, yes.

4 Q. But is it, is it right it's just since 2015. I mean, sex and gender, for instance, in the
5 Gender Recognition Act are used in ways that certainly overlap significantly, you'd
6 accept that from your general knowledge?

7 A. Yes. Yes, I think the issue, and why those two words form such a central part of
8 our thinking and activity, is the activities of those who wish to remove sex from the
9 law, and replace it with gender. We are seeing this in Western Australia today.
10 We've seen it in Victoria in Australia, we've seen it in Canada. It is part of those
11 who campaign for gender identity ideology, to have sex, biological sex, replaced in
12 law, by feelings of gender. And again, we come back to our position that that is
13 deeply dangerous, deeply confusing, and frankly, goes against all science and
14 reason.

15 Q. And you thought that was so obvious, therefore, that you didn't need to state it?

16 A. We did then. Following, following the discussions here, it may be that we need to,
17 to make our Articles of Association even clearer for the public to, to understand
18 exactly what we're trying to say.

19 Q. And, again, building on what I've just said about sex and gender, and I, I anticipate
20 what your answer will be in some ways, but I'll need to allow you to make it clear,
21 just as sex and gender can be used interchangeably, so other people will have a
22 different understanding of sexual orientation and a different understanding of
23 lesbian? You've seen Mr Roberts, I believe, giving evidence as to his
24 understanding of words?

25 A. You mean that a lesbian can be a man with a penis?

26 Q. Well, obviously that's not the phrase that Mr Roberts will have used, but a different
27 definition, I'm putting this in a neutral way rather than covering wider ground, but
28 if you wish to go into wider ground, that, that lesbian can include somebody who is
29 a woman as a result of gender reassignment for instance? That, that's, I'm putting it
30 to you that that is how Mr Roberts would understand it.

31 **Pause.**

32 JUDGE GRIFFIN: Is everything all right Miss Harris?

33 MR GIBBON: Madam-

34 JUDGE GRIFFIN: We will rise for a moment, could you get Miss Harris a tissue and a

1 glass of water?

2 **Court rises.**

3 **Court resumes.**

4 JUDGE GRIFFIN: Please sit down. Miss Harris, are you all right to continue.

5 MISS HARRIS: Yes, yes. Thank you.

6 JUDGE GRIFFIN: Not at all. Make sure you have some water if you need it there. Mr
7 Gibbon?

8 MISS HARRIS: Thank you.

9 WITNESS EVIDENCE OF KATE HARRIS (Cont'd.)

10 Cross-Examination by MR GIBBON (Cont'd.)

11 Q. Miss, Miss Harris, I apologise if I inadvertently-

12 A. No, no, I'm sorry.

13 Q. -raised something that was upsetting.

14 A. No, it's fine.

15 Q. If I can just put the question in a very brief way and you can say yes or a no, but
16 obviously your answer is for you. You'd accept that other people use words such as
17 sexual orientation in a different way to the way you do? Or lesbian, for that matter,
18 and Mr Roberts I gave as an example?

19 A. Yes. My good friend, Allison Bailey, said last year, the word lesbian is taken. The
20 word lesbian is taken by us. I'm going to speak for millions of lesbians around the
21 world, who are lesbians because we love other women. We will not have that
22 stolen from us. So, yes, there are people who say they are lesbians. There have
23 always been men, when I was growing up, there were fellow students in pubs, boys,
24 men, "I feel I'm a lesbian inside, tee, hee, hee". That has always been part of the
25 jocularly. Lesbians are often a laughing stock. We will not be a laughing stock.
26 We will not be erased, and we will not have any man with a penis tell us he is a
27 lesbian because he feels he is.

28 Q. And to be completely clear, Miss Harris, when you talk about the "Tee, hee, hee"
29 examples, that's very different to the way that Mr Roberts uses language, isn't it?
30 He's not suggesting it's something of a slur-

31 A. Yes, Mr Roberts' language is far more offensive.

32 Q. So you find it offensive, but it is his genuinely held belief that that is correct, isn't
33 it?

34 A. He seemed to have so little interest in lesbians and in particular, in the phenomenon

1 that we've seen a 4,400% increase in girls who think they may be trans, I, I, I really
2 felt an indifference from him about a social phenomenon that surely, should be of
3 primary concern to someone running an LGBT Consortium. There is a contempt in
4 this ideology that ignores women, and ignores lesbians. And the reason that we
5 formed LGB Alliance was because we were not prepared to see lesbians erased.
6 And people have laughed at that. And they call us so many names, and I think
7 that's, the pressure of that sometimes it's too much, but I'm proud to speak up for
8 lesbians who are attracted to female bodied, adult, human females. I can't put it any
9 more clearly, Mr Gibbon. A lesbian is someone who is attracted to another
10 biological woman, full stop.

11 Q. So you set up LGBA, as you say, to, to fight that contempt, as you called it?

12 A. To, I think I said yesterday, there's all sorts of people who try to ascribe
13 complicated reasons for us setting it up, it was to protect children in particular,
14 adults can form their own decisions about what they want to be, how they want to
15 dress, and we fully support transsexuals rights under the law, we have never
16 campaigned against them and never will. But what we are concerned about is
17 children growing up may be lesbian, gay or bisexual, who are being fed a tissue of
18 lies about this myth that you can change sex. You cannot change sex.

19 Q. And I'd suggest to you that's a much more, much more political agenda than
20 appears on the face of the Articles, isn't it?

21 A. Well that's what you said yesterday, and I asked you, whether it's political to
22 engage in dialogue? We have always pushed for dialogue. We don't have all the
23 answers. But what we do want is efforts like the Cass review. We want, the
24 science is changing as we speak. One of the leading intellectuals promoting gender
25 identity is a woman called Fausto-Sterling, Anne Fausto-Sterling. She's just
26 published a paper in which she's, she's one of the leading proponents of gender
27 identity ideology, she has just published a paper to say she thinks the use of gender
28 identity as an ideology is probably over. So we're interested, not in having all the
29 answers, but in talking about issues and, and the problem that we have with gender
30 identity ideology, is that there is no alternative. You either believe it, or you are a
31 hateful bigot, and a transphobe.

32 Q. And to repeat what I said yesterday, plainly, there are many things that you say that
33 my clients and many others would disagree with, I'm not going to engage in debates
34 on that subject unnecessarily, I simply place the marker, but in terms of coming

1 back to the Articles, and the meanings used?

2 A. Yes.

3 Q. You've made your understanding of the meanings very, very clear.

4 A. Yes.

5 Q. And it's equally true that was very clear to all those who gathered on 22 October.

6 A. Yes.

7 Q. So, so everybody involved in the setting up, the process continues, the Articles are
8 drawn up, but it's to, it's to push forward clearly what you, as a group of people
9 believed in that 22 October meeting?

10 A. And you keep trying to make me agree with that statement, which denies what lies
11 behind that, which is a concern for the safeguarding of children. The safeguarding
12 of children has been thrown aside by gender identity ideologists. Our primary
13 concern is for children to be given facts, education, reasoned dialogue, the ability to
14 make decisions as they get older. And we also believe that every child has a
15 fundamental right of going through puberty. That is a, the most important part of
16 becoming an adult.

17 Q. And that's another fundamental belief, therefore, you say?

18 A. Yes, and that's again bound up with safeguarding. So I think it's, you're trying to
19 suggest that we are a political campaign in a vacuum. We're not a political
20 campaign in a vacuum. We are driven by our concern for the safety of children.

21 Q. Don't misunderstand me.

22 A. I'm sorry.

23 Q. A political, and I'll clarify what I mean.

24 A. Okay.

25 Q. And I hope it's helpful to you when I say it's a political campaign, that's not a moral
26 judgement, a political campaign will be a political campaign for a purpose.

27 A. That is very different from being a charity.

28 Q. And, again, I'm trying to identify therefore, what the purposes are, and what you've
29 said, and again, it's not on the face of the Articles, is it? Is that your primary
30 concern is about children. One doesn't get that from the face of the Articles?

31 A. I think if we go back to where you took me to before about the, what are the
32 benefits and the purposes? We emphasise educational events, we emphasise
33 particularly young people in paragraph, on page 944.

34 Q. Yes, yes I know the passage.

1 A. And we wish to operate a telephone helpline that is for young children 13 and
2 above.

3 Q. Yes.

4 A. And we've already received initial funding for that. So these activities are in our
5 Articles.

6 Q. No, that's a separate question, isn't it?

7 A. Oh, I'm sorry.

8 Q. The, I'm looking at the face of the Articles and trying to explore whether the
9 Articles, as a standalone, are what one should focus on, or the Articles in a broader
10 context. And I believe, but I don't want to put words into your mouth, that your
11 evidence, and the documentary evidence, does show a far broader context is
12 necessary to understand what LGB Alliance has as its beliefs and purposes?

13 A. I disagree. I, I, I helped to author this document. I know it fairly well, if the
14 intentions were not clear, then perhaps it needs to be revised at a later date.

15 Q. And just to explore one further point, and, again, I anticipate from your answers,
16 what your response will be. In saying that you will educate from the position that
17 there are only two sexes and that gender is a social construct, it's not the case that
18 LGB Alliance will be neutrally putting forward, on the one hand, what you label as
19 gender ideology, and on the other, your gender critical approach? The, you're not
20 neutral with these, are you?

21 A. I think I said yesterday that we're very focused on facts and evidence. So when we
22 hold meetings, when we hold conferences, when we publish Articles, we tend to
23 call in subject matter experts to advise us. And we're lucky because we do get
24 subject matter experts offering to assist. So, I, I, I would say that we are, we come
25 from the position, the starting position is, and I'm sorry, I shouldn't laugh. Our
26 starting position is that there are two sexes, which I would suggest, probably 99%
27 of the world would agree with. And you may say that's not neutral. I would say it's
28 scientific, it's reasonable, and it's evidence-based.

29 Q. So, again, to come back to my question, the, the language you use, obviously from
30 our perspective is very prejudicial. You talk about gender ideology.

31 A. Yes.

32 Q. You don't talk about gender critical ideology, do you?

33 A. As you know, I don't like talking about gender critical at all.

34 Q. Appreciated from yesterday.

1 A. Yes, we do use it as ideology because it's, I think it's hard to understand unless
2 you're involved in this world, but one of the reasons we use "ideology" is that it's
3 crept, very much like Japanese knotweed, throughout the schools, throughout
4 universities, throughout the media. So much so that, you know, even the BBC
5 sometimes will report saying things like, a woman was imprisoned for murdering
6 her ex-wife in New York yesterday. And it's a man. So when I say it's an ideology,
7 I mean that it's had an overwhelming influence in the way the public is
8 misinformed about the reality of what's going on, day to day, in the world. And
9 adults are able to work through that. Where we are most concerned is that children
10 are lied to. So they are presented with images of men in the newspapers, who are
11 women. And this is confusing for a child and immediately raises red flags for
12 safeguarding.

13 Q. So, again, to, to be clear, and the language you use is very absolutist, that albeit,
14 you say it's facts and evidence-based?

15 A. Mm-hmm.

16 Q. You are convinced that the correct view is your view, aren't you?

17 A. I'm convinced that it was necessary for us to raise our perspective on this. Our
18 perspective has been confirmed massively since we began three years ago, when we
19 were the only voice saying this. Now we have seen changes in the NHS, changes in
20 the language that's used to draft bills in Parliament, we've seen the Cass review,
21 we've seen people sitting up, and, and I should add, we've seen a lot of parents now
22 raising concerns and saying, what's going on at school? What are my children
23 being taught? Why am I not allowed to see this curriculum? So there has been an
24 awful lot more light shone upon something that was really kept in the shadows, as a
25 deliberate strategy. And I can talk to you more about that, if you like Mr Gibbon,
26 but you may say it's extreme to say it is an ideology, that is an evidence-based
27 decision for us to use that word, because we have seen the ideology, how it's been
28 used, not just in this country, but around the world.

29 Q. And you attribute changes in the NHS and language in Parliament to your work?

30 A. We attribute it to our work and the work of many other groups who have woken up
31 to what's happening to children. And it's extraordinary, the number of fathers of
32 children who come to us and say, you know, thank goodness, you're there. I've
33 contacted my school, my daughters are being taught this. So, yes, I, I am not going
34 to say we have had an overwhelming impact. But the impact must be visible and

1 certainly, it would be an extraordinary thing if we had had no impact that we've
2 ended up sitting here today.

3 Q. And you used the phrase, children are lied to?

4 A. Yes.

5 Q. So-

6 A. Lied to, yes.

7 Q. So, so your accusation is, is straightforward. It is an attack on people who take a
8 different view to you?

9 A. It is a suggestion that they enter into a new phase of working. So I would love it if
10 Stonewall said look at this Dr Fausto-Sterling has said gender identity has no
11 useless and it's not helpful anymore. Let's think about this. Let's look at this
12 incredible social crisis of mental health in young, young people. Let's look at the
13 4,400% increase in, you know, you can't brush these away and say, oh well, you
14 know, it's probably because there's more information around. Oh well, it's a few
15 more Tik Tok videos. This is a global phenomenon, and it particularly affects girls.
16 And we think that we have played our part in making people start to think about
17 what the hell has been going on under the radar for many years.

18 Q. There is a significant difference, isn't there, between the phrase new phase of
19 working and lied to?

20 A. Between, I'm sorry?

21 Q. The phrase new phase of working, and accusing somebody of lying to children?
22 Lying is deliberate falsehood.

23 A. Yes.

24 Q. So-

25 A. It's deliberate because they believe in it. They actually believe that such a thing as
26 gender identity exists, which is why I'm so pleased that one of the leaders of the
27 movement has now said, uh-oh, maybe we need to take another look at that. You
28 know, loads of people believe this. This is what's so terrifying. It, I don't know if
29 anybody remembers the South Sea Bubble, in the sort of 17th century when
30 everybody went crackers and bought shares in South Sea Bubble and all went
31 bankrupt. It's a similar kind of madness. I really cannot emphasise enough how
32 many people, who are intelligent, thoughtful, sensitive, caring people, seem to have
33 lost their minds on this particular issue. We heard a lot the other day about being
34 kind. I think what may have happened is a lot of people have overcorrected. So for

1 example, the Church of England, who's very worried about being beastly to the
2 LGBs in the past, has now been presented with another group called the Ts. So
3 they're massively overcorrecting and saying everything is wonderful about gender
4 identity. And it's a kind of reverse homophobia, or a new homophobia that they
5 think is being kind. So it is a, it is an, it is a massive number of people, with the
6 best will in the world who are just falling for a myth.

7 Q. Can I just to give you an opportunity to clarify one thing? I asked about lied to and
8 I said deliberately false, and your answer seemed to be it was deliberate, and that it
9 was what they believed. Now, it can't be a lie if it's what they believe, is it?

10 A. Can't it?

11 Q. So you say that you're happy to engage in debate by accusing people who have
12 different beliefs of lying?

13 A. I wouldn't, I wouldn't start by saying you're lying. I would start by saying, can we
14 have a look at the evidence about this social phenomenon that is sweeping around
15 the world of young people, particularly young girls, who are going on a medical
16 pathway, having double mastectomies, sometimes they're on special offer in
17 America on public holidays, two for the price of one. It, it is, it is an incredible
18 global phenomenon and I think it is well worth looking at. And I think a charity
19 like LGBT Consortium, or Stonewall or Mermaids, I would just ask, why does this
20 not bother you? There may be, and Cass has said this, Hilary Cass has, there may
21 be young people for whom transition will be the best possible outcome. But that is
22 based on a full medical assessment, a psychological assessment, months and
23 possibly years of work. And, and we don't say that is not possible, what we say is,
24 do not tell children a lie. Do not say you can be born in the wrong body. And so if
25 I was starting a conversation with Mermaids or Stonewall, I, as I tried to do as we
26 mentioned yesterday, it would be about can we look at the evidence? Not the
27 ideology, not what you believe, not what we believe, can we look at the evidence?

28 Q. The, the bottom-line though, again, don't, don't let me put words into your mouth
29 but you don't retract the word lie or lying? As it-

30 A. No.

31 Q. As it were?

32 A. Not at all. I can't, I cannot tolerate dishonesty. And the fact that organisations and
33 people that I have worked with, respected, lie to children, I, I am sorry if it's
34 offensive to, to use such strong words, but it is a lie to say to a child, you could

1 have been born in the wrong body.

2 Q. I think circling back to the question, which started this line of discussion, I'd
3 suggest it's, it's absolutely clear from what you've said that you won't be neutrally
4 putting forward gender ideology with gender critical views, will you? It's because
5 you think gender ideology is fundamentally wrong. So when you-

6 A. In-

7 Q. Your educating purpose, if you like?

8 A. In what situation? In a meeting or a conference?

9 Q. When you're putting forward educational purposes of LGB Alliance, "educating the
10 public" to you means facts? A. Yes.

11 Q. And you said the facts and the evidence is overwhelmingly in your favour?

12 A. Yes. We would quite possibly present materials that are put out by other
13 organisations who believe in gender identity ideology. And we would do it with a
14 view to some sort of critical analysis.

15 Q. Or putting it more straightforwardly, in your view, demonstrating its falsehood?

16 A. Yes. But leaving people to make up their own minds. That's what's important.
17 Adults can make up their own minds. Adults can look at the materials and say, yes,
18 I believe I have a gender identity, etc. etc. We're not concerned. We believe in
19 freedom of expression. But we are concerned about children.

20 Q. If we can move on to another topic now, obviously, the position must be that you
21 regard LGB Alliance as stronger, as better able to act as a result of having, having
22 charitable status?

23 A. Yes.

24 Q. And I think in that context, if I can have a look at a letter that was sent by your then
25 solicitors, Bates Wells, I say your, I apologise, this came up yesterday, you as an
26 organisation. This is in volume 2.1. And it's at page 500, which I believe those
27 watching remotely won't have, but it won't cause too much difficulty and I'll read
28 out the relevant part.

29 A. Sorry, I didn't catch the page.

30 Q. Page 500.

31 A. Thank you.

32 JUDGE NEVILLE: Is that because it just has not gone up yet or?

33 MR GIBBON: This is in the Charity Commission section of volume two. And I'm sure as
34 a standalone, it could be put up if needed? I'm not going to, it's not-

1 [Crosstalk]
2 JUDGE NEVILLE: Have you left it to the parties to circulate?
3 MR GIBBON: Exactly.
4 JUDGE NEVILLE: Agree that to be the-
5 [Crosstalk]
6 Q. I'm obliged. Now, you, you may well not have looked through all the documents
7 in the bundle, but I suspect originally this is something you would have been aware
8 of?
9 A. Yes.
10 Q. Do you want just have a quick glance at it just to check?
11 A. I, yes, I do.
12 Q. I'm afraid it's not on headed paper, but I don't think it's controversial that this was
13 dated 23 April 2020.
14 A. Okay.
15 Q. And obviously, Bates Wells were specialist charity lawyers who had been
16 instructed to assist LGB Alliance to make the application for charitable status, that's
17 correct, isn't it?
18 A. That's correct.
19 Q. And this was a request, as you'll see in the first paragraph, "We're writing on behalf
20 of the charity named above"?
21 A. Mm-hmm.
22 Q. I think that's slightly ahead of itself on the basis that it was an application to be
23 registered, "To request the application for charitable status made to the charity,
24 made by the charity be expedited and reviewed by case officer as soon as possible".
25 And the original application had been made a month or so beforehand?
26 A. Yes.
27 Q. And then various reasons are given for expedition. In paragraph one Bates Wells
28 are saying, towards the end before the indented bullet points, it helps unlock
29 significant funding?
30 A. Mm-hmm.
31 Q. And obviously you accept and indeed, welcome to fact it would help LGB Alliance
32 to carry out its work?
33 A. Yes.
34 Q. And then paragraph two, "LGBA wants to claim Gift Aid on conference fees", and

1 again, that's because this funding will help LGB Alliance carry out its work?
2 A. Yes.
3 Q. Three is the Covid pandemic, this goes on to the next page, so I don't think one
4 need to refer to that. It's time specific, but then fourthly, on the next page,
5 "Charitable status allows discussions with Met Police, EHRC and Government
6 Equalities Office to be formalised", as it's put?
7 A. Yes.
8 Q. And just following up on that last one, the discussions you want to formalise, of
9 course, relate to bringing gender identity issues, concerns, if you like, about what
10 you call gender ideology to the attention of government bodies and ministers?
11 A. Yes.
12 Q. And relatedly, we're now moving to a different document, page 1164, which is in
13 volume 2.2.
14 **Pause.**
15 MR GIBBON: Sorry, 1164.
16 **Pause.**
17 JUDGE GRIFFIN: It appears it follows another copy of the letter we have just been
18 looking at?
19 A. Yes.
20 MR GIBBON: It does, indeed.
21 JUDGE GRIFFIN: So it may-
22 MR GIBBON: Thank you, Madam.
23 JUDGE GRIFFIN: -that that is available.
24 MR GIBBON: Without having to post it, Madam, I'm grateful.
25 **Pause.**
26 Q. And it's just the, the phrase in the top tweets, this was just after the Charity
27 Commission announced its decision?
28 A. Mm-hmm.
29 Q. "Charity status changes everything"?
30 A. Yes.
31 Q. And, if you like, within that is the points that we've just been discussing from the
32 letter, isn't it?
33 A. Yes.
34 Q. It allows you to do those-

1 A. Yes.

2 Q. Those things. And similarly, at page 1181, in the same bundle...

3 **Pause.**

4 Q. Is an article. I'm not going to ask you about the detail of the article other than to
5 refer to something on page 1183.

6 **Pause.**

7 Q. The Queen Elizabeth II Conference Centre, had been asked for comment in relation
8 to the holding of your conference, and what's quoted there is "The venue is
9 apolitical and operates as an impartial hub for trade, education and communication
10 and does not represent, endorse or support the views of any organisation hiring
11 expense space. Having undertaken due diligence, the QE II Centre is content for
12 the LGB Alliance, a government registered charity, to proceed with their event".
13 And so I'm, I'm not going to ask you about other things in the, the article unless
14 you want to, to go there, but the focus for me is simply on the fact that the Centre
15 regarded the charitable registration at least as a significant feature as to why you
16 should be able to hold the conference there?

17 A. Yes.

18 Q. And if I can ask you now to turn to page 1192?

19 A. Just before we leave that, Mr Gibbon?

20 Q. Yes.

21 A. On 1164, "Charity status changes everything", the second sentence says "We now
22 focus on promoting our charitable objectives". I just wanted to make sure that that
23 was also noted.

24 **Pause.**

25 Q. And on 1192, and this is in terms of formalising contact with, with governments?

26 A. Yes.

27 Q. This is a reference to a meeting with the Equalities Minister Mike Freer, which
28 took place on 20 January 22?

29 A. Yes.

30 Q. And it says "On January 20th, we were delighted to meet Mike Freer, Baroness
31 Steadman-Scott and the team working on UK's proposed conversion ban therapy"?

32 A. Mm-hmm.

33 Q. "We believe we've made progress and showing how the wrong type of ban could
34 end up harming LGB youth"?

1 A. Yes.

2 Q. And...

3 **Background discussions.**

4 Q. Yes, sorry, it's the top of the next paragraph which I haven't highlighted properly.
5 "Our key concern is there's a huge conversion therapy programme underway right
6 now in the UK, which the proposed bill ignores"?

7 A. Yes.

8 Q. Now you're using the, the political access, if you like, that you have, to seek to
9 influence the government against the views and activities of Mermaids and trans
10 rights, would you accept that?

11 A. Yes.

12 Q. And when you refer to "There's a huge conversion therapy programme underway
13 right now in the UK", that's a reference to what you call transing the gay away, is
14 it?

15 A. Yes.

16 Q. And so you accept that you're using the charitable status, you, as an organisation, to
17 bolster efforts, to undermine the work of organisations such as Mermaids at the
18 highest levels of government?

19 A. I don't see the link with our charitable status there.

20 Q. Well the, the reason I put it that way is would, would you have got the same access,
21 do you think, without having that status?

22 A. I don't know. I don't know. But it's certainly our, the intensity and the depth and
23 the type of work that we did, didn't change. Before or after. It was, it was, you
24 know, getting charitable status is part of an evolutionary path of any charity, of any
25 charity. You start with charitable objects, and you try and set up and you see what
26 sort of support you're going to get. And getting officially registered as a charity
27 isn't terribly important. The point that I'm not, I'm not sure why you think, well I'm
28 not really clear, because we were trying to lobby and had lobbied other ministers,
29 ministers, and civil servants, etc. prior to having official registration, but we were
30 always a charity. I think I'm right in saying you can be a charity that's not
31 registered. But becoming a registered charity made a big difference in terms of we
32 are now officially registered with all the responsibilities and the opportunities that
33 that offers. But we would have lobbied Mike Freer and Baroness Steadman-Scott
34 on behalf of our safeguarding concerns for, for children in any case.

1 Q. There, there are two points. One is... It's, it's a legal one, so I'll keep it very short,
2 is that under the Charities Act, barring certain exceptions, a charity must be
3 registered now.

4 A. Ah.

5 Q. Whereas I suspect you may have in recollection how the law used to work in the
6 past.

7 A. Maybe, yes.

8 Q. Which was rather different. But that's, that's-

9 A. Okay.

10 Q. That's not something I'm cross-examining you about that. The second thing is of
11 importance, so as to work out if you have any recollection of the sequence by which
12 you got to see Mike Freer?

13 A. I do. I'm not sure how much...

14 Q. Well, I mean, what, what you said suggested that you simply asked to see him and
15 that the, the charitable status hadn't made a difference. I was going to show you a
16 tweet of Joanna Cherry QC MP, which happens to be in the bundle, to see if it
17 prompts recollection. It's at 1186.

18 A. Yes.

19 Q. And I don't have the full context, but you may be able to assist, and what, what...
20 What that tweet said was, "How dare the newly appointed UK Government
21 Equalities Minister Mike Freer refuse to meet with the only"...

22 A. Yes.

23 Q. "#LGB rights charity in the country", and that's the reason I asked the question-

24 A. Oh I see, yes.

25 Q. If it prompted any recollection as to how?

26 A. Yes. Exactly. Would you like me? Yes.

27 Q. Indeed.

28 [Crosstalk]

29 A. We, as part of our charitable objects, we try to attend every party political and the
30 TUC, so that we can meet and talk to...

31 Q. I'll come back to you on that, if I may, but...

32 A. Okay, well, that's, that's the context of tweet from Joanna Cherry. We were at the
33 Conservative Party conference. We had a stand, about as far away as probably
34 behind the screen, the far wall was the LGBT Conservative stand. And we got

1 chatting to them in the tea breaks and agreed that it would be nice to meet up
2 afterwards and it was all very civil. And several people who went to the LGBT
3 Conservative stand then came over to our stand. And one of our supporters, David
4 Bridle, who'd been friends with Mike Freer for decades, saw him at the LGBT
5 Conservative stand and went over and said, Mike, do come and meet my friends at
6 LGB Alliance. And he was the Equalities Minister then. And he declined to do so.

7 Q. Oh I see. And so, so the sequence is, that he declined to meet you, so it's that he'd
8 been offered it and he declined?

9 A. Yes.

10 Q. And then, it looks like it was fairly public, he, he was reminded, or the world was
11 reminded by Joanna Cherry that you were a charity, and that, that allowed you to
12 get the foot in the door, did it?

13 A. No. It doesn't, it wasn't linked, the two things were separate. What happened in, I
14 think I've lost the other page, I think it was, yes, one, 1192. What happened was
15 that we were one of several groups, as far as I remember and a detransitioner and a
16 parents' group called the Bayswater Group. And I think that there were probably
17 half a dozen groups and individuals who had not been allowed to speak to Mike
18 Freer and Baroness Steadman-Scott, and each of those groups, as far as I remember,
19 was given 45 minutes to an hour to meet them on a, on a Zoom call. So I, there is
20 no connection with being a charity because those people weren't charities either. It
21 was just pressure, political pressure from outside, not from us, to say, Mike Freer,
22 Baroness Steadman-Scott, you need to listen to a range of views on this. And it
23 suddenly happened, I think, I think, I'm pretty sure, I can't be exactly sure, but that
24 is my recollection. But it has nothing to do with us being a charity as far, as far as
25 I'm aware. But would it matter if it was, I don't know?

26 Q. Moving on to the question of, if I can put it loosely, LGB Alliance's attitudes to
27 Mermaids. At paragraph 79 to 80 of your statement, and that's at...

28 **Pause.**

29 A. Do you have a page?

30 Q. Yes. I'm just about to give it, I apologise, 232.

31 A. Thank you.

32 **Pause.**

33 Q. You deny trying to deprive Mermaids of funding, or that your existence is in any
34 sense an attack on Mermaids' fundraising efforts?

1 A. That's correct.

2 Q. Now I put similar points to those I'm about to put to you, to Miss Jackson already.

3 So you'll appreciate that my client takes a very different view. But can I ask you to

4 turn back to volume 2.2? And this time at 1136.

5 **Pause.**

6 Q. And what LGB Alliance says here, and this is a tweet dated 5 May 2020, "Many

7 groups/programmes are involved in the gender propaganda targeting children,

8 Stonewall, Mermaids, etc. There is profound homophobia at the heart of gender

9 identity theory". Now, that's a straight attack, a straight attempt to undermine

10 Mermaids, isn't it?

11 A. It's a, it's a straight attempt to say that all of these groups are displaying profoundly

12 homophobic behaviour that is deeply damaging. And it is a, it is a challenge. It's

13 saying, it is what we always say. What are you doing to children and why? Let's

14 talk about it. Yes.

15 Q. And it's in emotive and confrontational language, it's gender propaganda?

16 A. "Many groups/programmes are involved with gender propaganda targeting

17 children. There is profound homophobia at the heart of gender", it's a statement

18 that is full of feeling. And feeling behind it is love for children, who may be

19 confused into thinking that they are trans, and that is going to be seen in future

20 decades, as one of the most wicked medical scandals ever to hit this country. So it

21 is challenging, and we are challenging it, because we care about safeguarding

22 children.

23 Q. I will, on behalf of my client, challenge the word love as being what comes across

24 from that statement. Not only the word propaganda, which has overtones of a

25 deliberate, deceptive communication strategy, does it not?

26 A. The love that I mentioned is for the potential children who may be damaged by the

27 propaganda that we're trying to prevent.

28 Q. Let, let's focus on the, the nature of the attack. It's propaganda. Would you accept

29 the propaganda has overtones of an information campaign of falsehood?

30 A. Yes.

31 Q. And it's targeting, so that again, sounds like something deliberately malicious?

32 A. Yes.

33 Q. And when it's said there is profound homophobia at the heart of gender identity

34 theory, the implication is that those institutions mentioned in the previous sentence,

1 are responsible for that profound homophobia?

2 A. Yes.

3 Q. So you've denied seeking to undermine Mermaids or in any way, seeking to attack
4 its fundraising efforts, and I suggest to you this is quite the contrary what one sees
5 in this tweet?

6 A. I, I, I don't agree with you. I think there is a place for challenging discussion in an
7 area that touches on people's lives. This is a life and death discussion. This is the
8 most serious issue I've ever been involved in, in my life, as a lesbian. I find it
9 terrifying, and staggering in its size, and influence and proportion. I believe that it
10 is our duty to challenge harm where we see it being promoted. On the other hand, I
11 see Mermaids has every right to exist as a charity. We can criticise them, they can
12 criticise us, that is the nature of living in pluralist society.

13 Q. What is striking about the bundles I suggest, is the, is the nature and tone of public
14 communications from LGB Alliance, this combative attack. Do you accept that it's
15 the approach you take to my clients, amongst others? It's not merely a plurality of
16 views, it's a personalised attack, if I can call it that, on other institutions?

17 A. It's a targeted commentary on a danger that is being posed to children who we feel
18 it's our duty to protect. So yes, it is challenging and if you describe it as
19 confrontational, I don't think it's illegal to be confrontational. If you're challenging
20 an ideology that you think is potentially ruining lives, we have, have to be clear.
21 That's why it's so extraordinary.

22 Q. And-

23 A. Somebody said we were coy.

24 Q. And you, you've used the, you've used the phrase "Don't think it's illegal", well,
25 that's not the issue here, the question is whether its charitable.

26 A. Well the charitable objects, as, as I've said, are centred on safeguarding. So if we
27 believe that Mermaids, Stonewall and that group, are responsible for disseminating
28 propaganda that could easily mislead a vulnerable young person, then it is our job
29 to challenge it in the most forthright way possible. And it is charitable to do that, if
30 its impact will be what the impact has indeed been, that we now see much more
31 serious research being done around the issues that we've raised. Specifically on
32 child safeguarding.

33 Q. So, again, tell me if I'm wrong, but from your use of language now, you don't, you
34 don't regret the tone of that? You think it was appropriate and necessary? Is that

1 correct?

2 A. Yes.

3 Q. And in your evidence, just now when you used the language of disseminating
4 propaganda, you're entirely happy to use that language?

5 A. Yes.

6 Q. Can we turn to page 1149, please?

7 **Pause.**

8 Q. This is, if you've got the page, it's another-

9 A. I have, yes.

10 Q. -LGB Alliance tweet at the top of the page.

11 A. Yes.

12 Q. In response to something to do with my clients. I'm sure that there's a lot more that
13 we don't have in the bundles, but we've got what we've got, and we've got to work
14 with it. "Excellent thread, time to review the lottery funding of a group which
15 actively promotes transitioning of children under 18?"?

16 A. Yes.

17 Q. So on the subject of coy, is the question mark rhetorical? It's your view that that
18 funding should be reviewed, isn't it?

19 A. Yes.

20 Q. So, so the question mark, is unnecessary. One could simply read that, and was
21 intended to be read as a statement, it is time to review, that's correct?

22 A. Yes.

23 Q. And you would appreciate my clients deny that they actively promote the
24 transitioning of children under 18?

25 A. I know they deny it.

26 Q. Yes, and I think we'll just leave, leave that there. That's their, that's their denial. I
27 know you consider differently, do you? And your, the point for current purposes, is
28 your public statement is that their lottery funding should be reviewed, and is it right
29 to read into that that you consider it should be taken away?

30 A. Yes, it is correct. And the reason for that is that I think anybody, any adult who
31 understands the charitable objects of Mermaids, is perfectly entitled to donate
32 individually. I don't think taxpayers should pay half a million pounds to a charity
33 who's come under increasing scrutiny, increasing concern as more and more people
34 are highlighting safeguarding issues. I, I understand that the lottery uses this as the,

1 as an example now of one of the worst mistakes that was ever made, because due
2 diligence was not done properly. And I understand it's now used in training as an
3 example of best practice.

4 Q. What's-

5 A. Worst practice.

6 Q. What's the evidential basis for that?

7 A. That is hearsay.

8 JUDGE NEVILLE: Sorry, you are getting a little bit quiet, just in the room.

9 A. It's hearsay.

10 JUDGE NEVILLE: Yes, sorry. Your previous answer was about a mistake by the Lottery
11 Commission giving funding?

12 A. Yes.

13 JUDGE NEVILLE: I did not quite catch what you were referring to.

14 A. Yes, mistake in not doing proper due diligence, because they had enormous public
15 reaction saying this grant should not have been made while Mermaids was under
16 such scrutiny around safeguarding issues.

17 JUDGE NEVILLE: Thank you.

18 MR GIBBON: Madam I'm going to take instructions on that point, which is not in the
19 bundles.

20 **Background discussions.**

21 MR GIBBON: Madam, my instructions are that's wholly false, and it's simply not correct.
22 I'm not going to explore it further, other than to say that my instructions are that's
23 not correct.

24 A. And I, I said it was hearsay, so if it's not correct, I apologise.

25 Q. The, the point for current purposes and we'll, perhaps I'll put it this way, if you're
26 referring to things which are hearsay, perhaps you will identify them as such. Or,
27 and if-

28 A. Well, I just did.

29 Q. Indeed, and I'm not suggesting you didn't, but if there are things which you know,
30 to be found in the bundles, which you'd like me to see, by way of response to my
31 questions, if you could draw my attention to those, if you're aware where they are.
32 Now, returning to my line of questioning, I suggest that the answers you've just
33 given are entirely contrary to the denial you gave in your evidence that you were
34 trying to deprive, you as an organisation, were trying to deprive Mermaids of

1 funding, or that your existence was in any sense an attack on Mermaids'
2 fundraising efforts. Do you see there's a, a difference between what you said in
3 writing and what, what you've now said orally?

4 A. No, I think it's consistent. Mermaids was never, never a major feature of anything
5 we even thought about when we started LGB Alliance. What was in our mind was,
6 how to work across government, the media, etc. to try to promote the idea that it's a
7 really happy option to be LGB as a child. Not to be an LGB child, because I don't
8 believe such thing exists, but to consider it as a happy, positive lifestyle. So I don't
9 disagree with this, Mr Gibbon, I, I think I've already said that Mermaids has every
10 right to exist and to receive fundraising, what I am, I was against the lottery
11 funding, because I don't think it was appropriate for taxpayers' money to go there.
12 But that's my personal opinion. But no, I, I disagree with you, because if we spent
13 all our time trying to undermine another charity or attack it or, it's not on our
14 business plan. It's simply not one of our objectives.

15 Q. Can I ask you now to turn to page 1151?

16 **Pause.**

17 Q. This is a tweet dated 13 August 2020. "We hope you are taking notes", have you
18 got the page there?

19 A. Yes. Thank you.

20 Q. "@LotteryUK @Starbucks and all others who pledge support to #Mermaids. There
21 is a scandal brewing here".

22 A. Yes.

23 Q. "Transing away the gay is happening right now in our society, and it's happening to
24 kids". Now this is accusing Mermaids of transing away the gay, isn't it?

25 A. It is, it is saying to Lottery, UK Starbucks and anybody else, there is a scandal
26 brewing here, of which Mermaids is a part. Transing away the gay is happening
27 right now in our society. It's, it is, yes, it's drawing attention to the fact that this is
28 happening right now, and that people like Starbucks who think they're being kind,
29 probably have very little idea about what they're actually funding.

30 Q. And my question went slightly further than your answer. I'd said directly, that's
31 accusing Mermaids of transing away the gay, isn't it? You didn't deny it but you
32 didn't confirm it, I don't think, in your answer.

33 A. Yes.

34 Q. So, so do you, do you read that as a direct accusation against Mermaids?

1 A. I think I repeat what I said, there is a scandal. It's happening right now in our
2 society. Mermaids is one player and this tweet was directed at the lottery and
3 Starbucks, who were, who decided to fund them.

4 Q. Well, I, I'd suggest it's more direct than that. It's only Mermaids that's mentioned.
5 That goes straight into mention of a scandal brewing. Transing away the gay, it's
6 not a generalised comment without reference to an organisation. There's one
7 specific organisation referred to and that's my clients?

8 A. Yes, we only mentioned Mermaids there. It could be interpreted in the way you
9 suggest, or in the I suggest, I'd say, it's open to both.

10 Q. Again, I, I suggest to you that is indeed a type of coyness, isn't it? That sort of
11 answer?

12 A. A type of?

13 Q. A type of coyness?

14 A. Well, it isn't intended to be coy, I'm intended, my answer was intended to say,
15 could be seen as a direct, just mentioning Mermaids, but my view of it is it is
16 saying, in society, there is a scandal brewing, Mermaids is a part of that. So I, I, I
17 am, I think I would like to say, never knowingly been coy so far in my life, and I
18 don't intend to be coy here in the hearing.

19 Q. Yes. And I think therefore, your answer goes this far that you've, you've happened
20 to mention Mermaids, therefore, and certainly it's amongst those you are accusing
21 of transing away the gay?

22 A. Yes.

23 Q. That's correct?

24 A. That's correct.

25 Q. You would accept that?

26 A. Yes.

27 Q. So that's accusing them of a deliberate policy to that effect?

28 A. It's, it's very much rooted in their role in spreading the lie that everybody has a
29 gender identity. And as I said earlier, if you're an adult and your children have a
30 gender identity, you can decide whether or not that's true or false. If you're an
31 impressionable child who's told, you're a bit boyish, you're a bit girlish, maybe you
32 were born in the wrong body, that then leads to the phenomenon that has resulted in
33 the Cass report. So we're not taking this out of the blue, this phrase, transing away
34 the gay didn't come from LGB Alliance, it came from clinicians at [GIDS]. So

1 and...

2 Q. Well, well it was a joke, wasn't it? There was a joke within physicians, isn't that
3 right? Isn't that the, how the?

4 A. There were, there were two things that were said like, by clinicians. I think, I think
5 I'm right in saying that David Bell talked about transing away that gay after he got
6 involved in this. And I think other clinicians [Inaudible] talking about the
7 atmosphere of homophobia there said, there soon won't be any more gay kids left
8 for us to trans. And that is hearsay. I haven't got it in the bundle. But it is, it is, I
9 think, I think that is well, well known to be factual, both of those phrases.

10 Q. So your organisation, of course, adopted as a hashtag?

11 A. Well, let me see, I expect we did. Where is it? Fact not fiction, LGB issues.

12 **Background discussions.**

13 A. I can't see it at the moment, but it's quite possible we-

14 Q. I'll, I'll find it.

15 A. I believe you, Mr Gibbon. The thing is that, let's, again, put this into context. For
16 LGB Alliance to get any media coverage has been, certainly for the first year, well,
17 actually, we've got tonnes of negative press coverage. Phenomenal amount from
18 the gay press, funnily enough, but Twitter became our only way of communicating
19 because we aren't allowed on the BBC, thanks to the efforts of Mr Nicolson. We
20 are very rarely reported on other radio or TV channels. So it became important to
21 us to use Twitter to try to get our voices heard, because our voices, as I think we've
22 said, have been suppressed for years and years and years. Because every time we
23 tried to speak out, we were called transphobes, hateful bigots. So yes, we use
24 Twitter and yes, we use hashtags.

25 Q. I was slow finding the reference, I, you may remember I talked to Miss Jackson
26 about this yesterday, it was page 956, just to show you the reference to stop
27 transing the gay away.

28 A. Thank you.

29 **Pause.**

30 Q. Returning though, to what we were talking about just a minute ago?

31 A. Yes.

32 Q. What you, what you've said is that Mermaids had a role in, in spreading the lie as
33 you put it, and again, I think the short point for now is that that's, again, attacking
34 and undermining my clients?

1 A. It's-

2 Q. That's the intention?

3 A. It's, it's attacking them and their views, I'm not so sure it undermines them. I don't

4 know. The goal is to encourage Mermaids and other charities to stop doing what

5 they're doing, which we believe put children in danger, to think, to pause to talk to

6 Dr Hilary Cass, to help with the new services that are going to be set up, but to not

7 help on an ideological basis, to help on a practical basis.

8 Q. So to encourage them, as you put it, metaphorically, you get the megaphone out

9 and you shout, there is a scandal brewing, Mermaids and others are transing away

10 the gay?

11 A. Yes, that's part of it.

12 Q. Can I ask you to page, turn to page 1152? And Mr Malcolm Clark was a director

13 and trustee of LGB Alliance, wasn't he?

14 A. He was.

15 Q. And on page 1152, bottom half of the page, he was responding to a tweet by

16 Allison Bailey, concerning Miss Haverstock, and it says "Yet @LGBT foundation

17 reserves, it's sympathy not for the victims, many of them gay, but for the monsters

18 of Mermaids, cut their funding", now are those views, views you agree with?

19 A. I agree with the emotion that's conveyed by that tweet. Malcolm knows some of

20 the young women who have detransitioned personally, and I can empathise with the

21 level of emotion that is expressed in that tweet. The damage that has been done to

22 so many young women in particular, and young boys is a scandal. It is horrifying,

23 and it does raise huge amounts of anger-

24 Q. But-

25 A. -when we see those people talk about the fact that their lives have been ruined.

26 They have no sexual feeling, they are infertile, they may have beard growth for the

27 rest of their life even though they are female. They'll have male patterns of balding,

28 these people's lives have been destroyed. So I empathise with the level of anger

29 and emotion that Malcolm is expressing.

30 Q. So, standing back from the emotion he's accused, not saying he is LGB Alliance,

31 but obviously he was a director of LGB Alliance at the time, to accuse Mermaids of

32 being monsters, and asked for their funding to be cut. Now, that is, in essence,

33 albeit expressed emotively, no different to what LGB Alliance was tweeting earlier

34 in the year, is it?

1 A. It's, it's making the same points in a much more dramatic and emotional way which
2 I can understand given his personal relationship with individuals whose lives have
3 been destroyed, and they are trying to rebuild those lives.

4 Q. But I, I suggest to you that reaction, whatever emotion or personal views laid
5 behind it, was wholly inappropriate and scandalous as a way of describing...

6 A. I don't think it is-

7 Q. My clients.

8 A. -as inappropriate and scandalous as leading young people up a medical pathway
9 which can ruin their lives. So I see that you're saying it is a shocking tweet, I
10 would say it is unimportant in the scale of things.

11 Q. And again, I confine myself to current purposes here, you wouldn't see that, is that
12 what you're saying, as an attempt to deprive Mermaids of funding, or any way an
13 attack on Mermaids? Clearly it is.

14 A. It is-

15 Q. And it's consistent with what LGB Alliance does?

16 A. It is an attack on their belief system, and it's a call to cut their funding.

17 Q. And one, one you endorse?

18 A. I fully endorse-

19 Q. Which LGB Alliance endorsed?

20 A. I fully endorse the emotion behind that, and I fully endorse the need to cut the
21 funding until we see the, when I say cut the funding, I don't mean individual donors
22 who have every right to donate, as I've said before, I don't think taxpayers' funding
23 of half a million pounds should be given willy-nilly to a charity that has such a
24 controversial record.

25 Q. Well, there are, there are, there are two things there, aren't there? First, attack on
26 fundraising efforts, that's fundraising efforts from all sources. And indeed, in the
27 world of charities, it's very often grant making bodies are a significant source of
28 funding, that's correct, isn't it?

29 A. Yes, it is.

30 Q. So to that extent, you do agree that it's an attack on their funding?

31 A. I, I... I don't know who else funds Mermaids. You know, whether it, I, I suppose I
32 thought it was more funded by individuals. If they are funded by other government
33 departments or trusts, then, yes, that would apply to that, too. I think, I think it's not
34 reasonable for public money to be, to be given to such an organisation.

1 Q. And I'm sure many private individuals do fund my clients, but also, you'll recall
2 from the tweet we looked at earlier, there was specifically mention of Starbucks,
3 corporations?

4 A. Yes.

5 Q. And you're challenging corporations who fund my client, aren't you?

6 A. Yes. Yes. Very, very much so.

7 Q. So it's not just public money you're concerned about, is it?

8 A. I think that there's a difference between collective money, if I can put it like that
9 and individuals. It is a free society. I can give to cats, dogs, pigeons, whoever I
10 like. Any individual, I wouldn't hesitate, I wouldn't dream of saying you should not
11 donate to Mermaids, if an adult has made that decision to do so. I'm against the
12 idea of somebody at Starbucks, who's possibly a member of Stonewall Diversity
13 Champions scheme, who possibly will get extra points in the Workplace Equality
14 Index, if they're shown to sponsor a charity like Mermaids. I think that is grossly
15 irresponsible of Starbucks in terms of corporate governance.

16 Q. And to be clear, that's a speculation on your part, is it?

17 A. It is.

18 Q. And I think from what you've said, therefore, that in terms of fundraising, you
19 would wish to ensure that collective money of all sorts should also be withheld? Is
20 that right?

21 A. I think it is my view that in particular, public money should not be awarded. And if
22 it is corporate money, it should not be on the basis of winning extra points in a
23 Stonewall Workplace Equality Index.

24 **Pause.**

25 Q. Well I, I suggest that as regards a corporation, the decision is for that corporation?

26 A. It is.

27 Q. If they agree with the charitable objects of my clients, it's open to them, just as it is
28 to any other individual to donate?

29 A. It is.

30 Q. And nevertheless, LGB Alliance suggests that Starbucks, in that particular
31 example, should not be funding?

32 A. Yes.

33 Q. Can I ask you to turn to page 1158?

34 JUDGE GRIFFIN: Are we moving on to a different topic?

1 MR GIBBON: It's the last question on this line, Madam.

2 JUDGE GRIFFIN: Certainly.

3 **Pause.**

4 Q. And, I believe Mr Clark ceased to be a director of LGB Alliance, but remains
5 closely associated with LGB Alliance, is that?

6 A. Yes.

7 Q. Is that fair?

8 A. So what he's said here, I think after, shortly after he stood down, "Mermaids is one
9 of the most insidious organisations in Britain. With luck, one day soon everyone
10 who played a prominent role will be behind bars". That's an astonishingly
11 aggressive and confrontational thing to say, and I'm sure other things as well, isn't
12 it, in a tweet, is that something LGB Alliance would agree with?

13 A. He's retweeting something from James Esses.

14 Q. But regardless of what he's retweeting, is that statement effectively, accusing my
15 clients of being criminals, is that something that you would endorse or you...

16 A. In the context-

17 Q. You'd reject?

18 A. In the context of the tweet, where a former trustee has reached out to him, having
19 been asked to leave the organisation after raising safeguarding concerns. This is a
20 trustee of Mermaids who raised safeguarding concerns, who was then asked to
21 leave. Now, safeguarding is everybody's business. People who do not pay
22 attention to safeguarding are subject to criminal proceedings. So Malcolm, again,
23 is using extremely emotional language. The point he makes is fair.

24 Q. Well, let me put it this way, I'm absolutely sure my clients would forcefully wish to
25 state that they take safeguarding extremely seriously, would you accept that?

26 A. No. Did you not see the?

27 Q. I've seen that, but that is hearsay, isn't it? What, what evidence do we have about
28 those allegations and their correctness or otherwise?

29 A. I believe James Esses to be a person of great integrity. He says here that "A former
30 trustee of Mermaids has reached out to me, having been asked to leave the
31 organisation after raising safeguarding concerns internally".

32 Q. Yes. And I am saying to you, I am sure based on the evidence that Dr Bell gave,
33 that she would wish it, the organisation would wish it to be emphasised very firmly
34 that they take safeguarding extremely seriously and indeed, I'm sure in her evidence

1 that it appeared as well. But for current purposes, that is not the issue. The issue is
2 the approach of Mr Clark, which is to state that the organisation is insidious, it's one
3 of the most insidious organisations in Britain. So it moves from a specific incident
4 which you've referred to, in hearsay, to a general statement, as to the organisation
5 as a whole, and a statement that "With luck", i.e., it's what he hopes "Those who
6 played a prominent role in the organisation will be behind bars". That takes a
7 safeguarding concern, if that's what is underlying things, onto a wholly different
8 plane, doesn't it?

9 A. It's impossible to say how this will play out. It is possible that those who fear that
10 we will see the worst medical scandal since Thalidomide in the next decade, will be
11 proved right. If that is the case, some people are likely to end up in the criminal
12 justice system and possibly in prison.

13 Q. Does LGB Alliance, as an organisation, reject the sort of language and approach
14 that one sees there, or does it embrace it? Does it see it as part of the campaign?

15 A. This isn't part of any campaign whatsoever. This is Malcolm Clark tweeting in his
16 own right, making a point, because of the depth of emotion that he personally feels
17 about the subject. And as a citizen of the United Kingdom, he has every right to do
18 so.

19 Q. So if you like, you might not have used the same words, but the sentiment, you say
20 you understand and it's consistent with LGB Alliance's approach, is that what
21 you're saying?

22 A. It is not consistent with our approach. We do not tweet in that fashion.

23 Q. His views, therefore you disavow?

24 A. No, I don't. I've just spent how many minutes explaining the context of that tweet,
25 and how it came about. Our approach is different. Malcolm is entitled to say what
26 he wants in a tweet about a subject that has directly damaged some people he
27 knows very well and cares very deeply about.

28 Q. Well, I accept at the time, he wasn't a director, and he had however, been in the
29 past, he was still close, but the important question is to circle back to the question
30 of depriving Mermaids of funding. That LGBA's existence, it's, it's raising of
31 status to charity is in any sense, an attack on Mermaids' fundraising, you've denied
32 that. I put various things to you, which I suggest, clearly demonstrate that that's
33 precisely what LGB Alliance was doing?

34 A. And that is a complete misconception. It has never been a priority, a goal, a matter

1 for discussion even, I, we have, we have meetings, meetings, meetings. We have, I
2 have no, I can't recall a single time anybody has said, I know, let's campaign to get
3 rid of Mermaids, let's campaign to deprive them of their funding. It's simply not
4 part of our agenda, which is much, much busier and broader in terms of driving
5 forward with our campaigns on freedom of speech, on fact-based education, and on
6 safeguarding children. So no, that is not correct, Mr Gibbon.

7 MR GIBBON: Madam, if that's a convenient moment.

8 JUDGE GRIFFIN: Thank you. We will come back at 12 o'clock.

9 MS MONAGHAN: May I just say one thing, Madam? I'm conscious of the fact
10 [inaudible] my phone, I just want the Tribunal to know that I'm not sitting here
11 reading emails, it's the [inaudible] WhatsApp communication with Ms Reindorf.

12 JUDGE GRIFFIN: Right, I rather thought that might be it.

13 [Crosstalk]

14 MS MONAGHAN: No discourtesy is intended, Madam.

15 JUDGE GRIFFIN: None taken. We will see you at noon.

16 **Court rises.**

17 **Court resumes.**

18 JUDGE GRIFFIN: I hope everybody got a chance to stretch their legs. I can feel the heat
19 rising already. May I just say that if counsel want to take their jackets off at any
20 moment, please do.

21 MS MONAGHAN: Thank you.

22 JUDGE GRIFFIN: And indeed, yourself Miss Harris, if you would like to take your jacket
23 off.

24 MISS HARRIS: Thank you very much.

25 WITNESS EVIDENCE OF KATE HARRIS (Cont'd.)

26 Cross-Examination by MR GIBBON (Cont'd.)

27 Q. So, Miss Harris, there's one last topic I wanted to ask you about. And if I can, by
28 way of introduction, ask you to turn within your statement to page 216. So it's
29 right at the beginning of your statement.

30 **Pause.**

31 A. Yes.

32 Q. And you'll see there in paragraph two, "LGB Alliance is a charity to give voice,
33 advice, representation and a space for LGB people who consider, as I do, that sex is
34 immutable, that sex is not a matter of identity. It is not an organisation set up to

1 oppose the rights of trans people”. And it's that second sentence I, I want to
2 explore with you.

3 A. Yes.

4 Q. Now, as I put to Miss Jackson, I suggest it's a matter of perspective, isn't it? You
5 say you don't consider LGB Alliance’s stance to be anti-trans, but an independent
6 third party who doesn't share your worldview may well conclude the opposite? Do
7 you accept that?

8 A. Apparently so.

9 Q. And I say that because, both you and Miss Jackson have been clear about what you
10 see is the logic that flows through from sex being immutable. And that logic is that
11 gender identity ideology, as you would call it, is homophobic?

12 A. Yes.

13 Q. And also, we say that it's reasonable to conclude that it's perceived as
14 fundamentally anti-trans because it excludes trans people from your definition of
15 LGB?

16 A. No.

17 Q. Now, if we turn to your paragraph 22. And that’s-

18 A. You did hear I said no, didn’t you?

19 Q. I, I did.

20 A. Yes. Sorry I just wanted to make sure.

21 Q. I did.

22 A. Yes.

23 Q. And I was going to ask you turn to your, your paragraph 22, which is page 220?

24 A. Yes.

25 Q. And here, you're talking about discussions with Ruth Hunt?

26 A. Yes.

27 Q. “I asked her to confirm that she would not change Stonewall from an LGB and
28 LGB and T organisation”?

29 A. Yes.

30 Q. “She gave me her personal assurance. The reason for this was not that I had
31 anything against trans people, but because I felt for the reasons that are set out in
32 the statement, and the statements of the other LGB Alliance witnesses, that there is
33 a conflict between the LGB on the one hand and the T on the other”. Now that
34 conflict, I'd suggest, the essence of that can be described as anti-trans? You define

1 yourselves by not including trans within LGBT, the T has been taken out?

2 A. There's a fundamental misunderstanding in what you see.

3 Q. Can you, can you explain it then?

4 A. Yes. We started LGB Alliance, precisely because we had both had a history of
5 activism, as lesbians, and we wanted to work with lesbians, gays and bisexuals, and
6 straights and trans, anybody who would support us, to move forward in promoting
7 those rights that we saw were disappearing. The trans community, or the
8 transsexuals that we knew and spoke to, leading up to the, some of those were the
9 stropky ones, that we spoke to leading up to the meeting, were part and parcel of
10 our effort to develop this new organisation which was going to be creative, which
11 was going to be positive, which was going to be full of fact and reasoning and love,
12 has nothing to do with being anti anything. What we were anti, and when I say anti
13 anything, I mean, anti any people in particular. What we were anti, was an
14 ideology that we felt was destroying us, as lesbians, gays, bisexuals, and posing a
15 direct threat to children. So, we didn't, it's a bit like your suggestion that we spend
16 hours working out how to get Mermaids' funding removed. It's simply not true. In
17 the same way we didn't spend hours thinking, how can we possibly be anti-trans?
18 We're not anti-trans. We've never, ever campaigned against the rights of trans
19 people. We say very clearly that we stand for equality under the law, we always
20 have and we always will. And, you know, I've, funnily enough, I've met more trans
21 people since starting LGB Alliance than I ever have in my life. And I have every
22 sympathy with what it's like to be a person who finds that you want to change your
23 outward appearance, some people change their bodies, and so on and so forth. And
24 these people have become my friends. So to call us anti-trans, transphobic, bigots,
25 again, it's, it's a misrepresentation. And I can only explain it by saying people
26 didn't want to engage with the ideas that we were putting forward, so they called us
27 names instead. And you may have seen lots and lots and lots of people are
28 constantly called transphobe, transphobic, bigot, it often happens in social media,
29 we only have to look at JK Rowling, and the torrent of abuse she's received, for
30 expressing ideas that are similar to ours, that every child should be allowed to grow
31 up as free as it can be, and so on and so forth. So, without wishing to be forceful,
32 or coy, I want to go somewhere in between. It is utterly false to suggest that we
33 were ever set up as being anti-trans, and we have never become anti-trans.

34 Q. You used the phrase anti-ideology. Doesn't that come to the same thing?

1 A. Did you not hear what I just said?

2 Q. I did. But I'm putting to you that the way you view anti-trans, your subjective
3 view, is a perspective that can be characterised as being anti-trans?

4 A. But that's what I just said. But people expressly-

5 Q. And correctly characterised?

6 A. Well you, I don't think you, with the greatest respect, let me repeat what I said.

7 Q. Well, I mean, if, if, I'll let you answer in your own way.

8 A. Okay. What I just said, was that people like us, and like JK Rowling, and
9 thousands of people on social media, and in general, in the workplace, places have
10 been found, have been called anti-trans, for the simple reason that they say, biology
11 is real. There are two sexes. Sex is immutable. Anti-trans is a lazy, shorthand
12 method of not engaging with those discussions. Because if you disagree that sex is
13 immutable, that biology is real, and that, so on and so forth, discuss it, but there is
14 no willingness to discuss, because unfortunately, the ideology is built on nothing.
15 So instead of engaging with ideas, the phrase anti-trans is rolled out to silence
16 people.

17 Q. So I don't think we need turn it up, but Miss Jackson said, "Our positive message
18 that rights are based on sex, obviously, conflicts with the views of those who
19 believe that gender identity should define rights to be male or female", and she said,
20 "However, our message is not intended primarily to be a negative one", but it's
21 intrinsically negative, isn't it? I mean you've just said about how the ideology is
22 built on, is built on nothing, words to that effect.

23 A. Well I, I know Miss Jackson expresses it as a belief system, I'm, I call it lies.
24 That's, that, it comes to the same thing. People can believe in gender identity, and
25 they have every right to, again, we come down to individual rights. I don't believe
26 in it. Miss Jackson doesn't believe in it. But nor do many, many, many people who
27 are trans and transsexual. It's a, it's, it's not an essential part of being transsexual, to
28 say I have a gender identity. There are many transsexual people who say, I know
29 that I can never become a woman if I'm already a man, but I want to present as a
30 woman, I want you to respect my female name, I want to pass in society as a
31 female. And, and you know, that is perfectly reconcilable with saying gender
32 identity ideology is a belief system, based on nothing.

33 Q. And just to pick up on something you said, just then in your answer. You said Miss
34 Jackson calls it a belief system; I call it lies?

1 A. Yes.

2 Q. And that's consistent, obviously with the evidence you've given today.

3 A. Yes, in LGB Alliance, we have full freedom of expression. We often disagree, we
4 often argue, we believe that's part of being a healthy charity.

5 Q. Now, one thing I think we can agree on is that as a matter of fact, there are a lot of
6 people who fundamentally disagree with your personal views, with the stance of
7 LGB Alliance on gender critical views, I'm simply stating that as a fact, that is the
8 case, isn't it?

9 A. Yes.

10 Q. Now, just to explore that further, are you really, as an organisation providing
11 services for those LGB people who disagree with gender critical views, and who,
12 for instance, support the work of Mermaids?

13 A. We hope so. We've, we've, we've recently done some work, making films, which I
14 think probably the next witness will talk about. We've also put in for funding for a
15 helpline for young LGB people. But that would not exclude any young people who
16 wished to, to contact us. So, so does that answer the question?

17 Q. Well, I'm going to follow it through a little bit further. Based on what you've said,
18 those services are available to those people, but those are people on, on your view,
19 who subscribe to a lie? Is that right? Because they don't, they don't have gender
20 critical views, they subscribe to what you call gender ideology. The people in my
21 example?

22 A. Well, yeah. That, that wouldn't be an exclusionary criterion. Everybody is
23 welcomed come to our events, everybody is welcome to watch our films,
24 everybody will be welcome to use our services as they grow and develop, everyone
25 was welcome to all our webinars that we held through the pandemic. We have
26 never, we never check people's views before they come to an event.

27 Q. And you're, based on what you've told, told us a few minutes ago, told the people
28 at the Tribunal, a practical woman, don't look at it in terms of perhaps belief
29 systems, etc. you deal with things practically. These are people who you don't call
30 individually homophobes, but they subscribe, perhaps, let's put it that way to a
31 system of belief that you regard as homophobic?

32 A. Yes.

33 Q. So in practical terms, these services may be available to individuals who
34 fundamentally disagree with you within the LGB community, but you're not

1 serving those people, are you?

2 A. I hope so. I hope we're there as a beacon of truth and honesty and fact, for anybody
3 who's interested in getting to the bottom of what's going on in the world of same
4 sex attracted people at the moment.

5 Q. Sorry, you're serving them by hoping to persuade them of your viewpoint?

6 A. I'm hoping that they are open minded enough to engage in respectful dialogue on
7 any of the issues that we think are important, particularly safeguarding children.

8 Q. Well, I, I put the point but I suggest to you that, as a matter of perspective, what do
9 you regard as Pro-LGB could equally be properly characterised as anti-trans, and I
10 think you don't accept that?

11 A. I don't accept it. You've put it to me several times, I've tried to explain that this is
12 just a useful term of abuse, and it's used over and over and over again, to cover
13 perfectly, what I would argue perfectly normal views held by the vast majority of
14 the population, which is that sex is binary, and immutable and LGB people are
15 same sex attracted. How could those basic statements possibly be described as anti-
16 trans?

17 Q. Thank you, Miss Jackson, I have no further questions.

18 A. Thank you.

19 JUDGE GRIFFIN: If you just wait there a moment.

20 Q. Miss, Miss Harris, I apologise.

21 A. Don't worry, everybody get, I get called, people rush up to me and say hello Bev,
22 no, I'm not Bev, it's part of a pattern.

23 Q. I apologise.

24 A. So thank you.

25 JUDGE GRIFFIN: I am just going to check, Miss Harris, whether Mr Steele has any
26 questions. No, he does not.

27 MS MONAGHAN: I don't believe-

28 [Crosstalk]

29 JUDGE GRIFFIN: And there is no re-examination that means, Miss Harris, I can release
30 you from your evidence. Thank you very much.

31 A. Thank you.

32 JUDGE GRIFFIN: You are obviously free to remain with us if you wish.

33 A. Yes.

34 JUDGE GRIFFIN: Or wish to depart.

1 A. I will. Thank you.

2 **Miss Kate Harris is released.**

3 **Pause.**

4 JUDGE GRIFFIN: Miss Gallagher, I take it?

5 MS MONAGHAN: Yes, please.

6 **Pause.**

7 WITNESS EVIDENCE OF MISS GALLAGHER

8 Examination-In-Chief by MS MONAGHAN

9 Q. Miss Gallagher, you should have a small bundle of documents?

10 A. Yes.

11 Q. And you should have a core bundle in there, and if you turn to page 234, please.

12 A. Yes. Yes.

13 Q. You'll see a statement there that, which is in your name. And can you turn please-

14 MR NOAH: Sorry to be a nuisance again, yes, the microphone.

15 [Crosstalk]

16 MR NOAH: Yes, just need to swap the microphones. Thank you.

17 JUDGE GRIFFIN: Thank you very much. Yes, I think you might need to put it the other
18 side of your computer, even. I know there are lots of wires.

19 **Pause.**

20 MS MONAGHAN: Is that, is that clear?

21 MR NOAH: Yes.

22 Q. Is that clear? Okay. Wonderful. Thank you ever so much. So Miss Gallagher,
23 you can your statement starting at 234, I was going to ask you to go to page 242.
24 And you'll see a sign, a signature there. Is that your signature?

25 A. It is, yes.

26 Q. And are the contents of this statement true?

27 A. Yes, they are.

28 Q. I think there's a correction that you'd like to make. Do you recall that?

29 A. Yes.

30 Q. If I can just help you, it's just a document correction, a reference.

31 A. Yes, apologies.

32 Q. Paragraph 23.

33 A. Sorry?

34 Q. If you turn to paragraph 23 of your statement? I'll come to your second statement

1 in a moment but I think it was your first statement.

2 A. Yes.

3 Q. At paragraph 23?

4 A. Yes.

5 Q. At page 239, you refer to a submission to the Law Commission?

6 A. Yes.

7 Q. And I'm just going to take you to that exhibit. It's just a correction I know you
8 wanted to make.

9 A. Yes.

10 Q. That's at volume 2.4, so have a look in there and see if-

11 [Crosstalk]

12 Q. -page, I'll give you a moment to find yourself. You're new to the, new to the, so
13 take your time, take your time, don't...

14 A. At page?

15 Q. If you turn please to page 3751.

16 A. Yes.

17 Q. That's the document I think you were referring to in that part of the bundle?

18 A. Yes.

19 Q. And can you just tell what it is that you'd like us to note by way of correction?

20 A. Yes, apologies, but this exhibit has been divided, so there's only one page of the,
21 the, I think this is exhibit 12.

22 Q. That's right.

23 A. And it continues after exhibit 14 where the body of the material is after 14, after the
24 Cass report as it comes. So that, so that has been split up and this only noticed-

25 [Crosstalk]

26 Q. So I think, I think if we just take that a bit slowly. So page 3751 is the reference to
27 the Law Commission consultation, which you refer to at paragraph 23 of your
28 statement?

29 A. Yes.

30 Q. But the exhibit has been split inadvertently. So if we look at page 3869?

31 A. Yes.

32 Q. We see the second part of the exhibit, the remaining part, it has just been slotted
33 into the wrong page number?

34 A. That-

1 Q. Is that right?

2 A. That is correct.

3 Q. Thank you.

4 JUDGE GRIFFIN: Is that, is that 3769, was it? The...

5 MS MONAGHAN: So we had 3751, which is the first page, and then we have 3869 where

6 it continues. So it's just be slotted behind the wrong exhibit number.

7 JUDGE GRIFFIN: Thank you.

8 Q. That's that, so you can...

9 A. Thank you.

10 Q. Sit down, we go back to the core bundle now, because I want to ask you to look at

11 your second statement, which is page 243?

12 A. Yes.

13 Q. Do you see that? And again, that's got your name on?

14 A. Yes.

15 Q. And your signature at page 246?

16 A. Yes.

17 Q. And can you confirm that that's your statement as well?

18 A. It is, indeed.

19 Q. And both of them, the contents are true to the best of your knowledge and belief?

20 A. Yes, that's true.

21 MS MONAGHAN: Thank you, Madam.

22 JUDGE GRIFFIN: Thank you, any supplementary questions?

23 MS MONAGHAN: No, thank you.

24 JUDGE GRIFFIN: Thank you, Mr Gibbon?

25 Cross-Examination by MR GIBBON

26 Q. Good afternoon, Miss-

27 A. Good afternoon, Mr Gibbons.

28 Q. I'd like us to start by just making a general point, obviously, you've heard the-

29 MR NOAH: Sorry, again, could you move the microphone back? Yes.

30 MS MONAGHAN: Sorry, silly mistake, I beg your pardon.

31 MR NOAH: Yes. Thank you.

32 Q. Thank you, I should, I should have realised as well. Miss Gallagher, just, just to

33 repeat, we've obviously heard evidence given by Miss Jackson and Miss, Miss

34 Harris?

1 A. Yes.

2 Q. And in particular, they were focusing, to a significant extent on the, the founding,
3 the launch of LGB Alliance in 2019 through into 2020. Now you joined in May
4 2021?

5 A. Yes, the very end of May, yes.

6 Q. And was that shortly after the grant of charitable status?

7 A. Yes. Charitable status was granted in April of 21. And I came on end, I think it
8 was May the 30th was when I was appointed.

9 Q. So, so you... How can I put this? You would have been generally aware of LGB
10 Alliance in 2019 and 2020, but you weren't closely involved. Is that, is that fair?

11 A. That's fair, correct.

12 Q. Okay. I simply ask that as a general point at the beginning just to make clear to
13 what extent I need to go back to the earlier material, if you have any first-hand
14 knowledge.

15 A. Yes.

16 Q. But it sounds as though it's primarily the period after your appointment that one
17 should focus on?

18 A. Indeed, yes.

19 Q. Thank you. I would like to start in your first statement, at paragraph 10, that's
20 found at page 236.

21 **Pause.**

22 Q. And here, you're talking about the National Conference in October 2021. And
23 you're relying on the conference to be, as I understand it, an illustration of various
24 charitable objects, which you record at the end of the paragraph?

25 A. Yes.

26 Q. And there's quite a few identified there. We perhaps don't need to turn it up, but,
27 but I've, I've had a quick look, and at 2.1.2, is advancing education, raising
28 awareness of E&D issues and diversity in respect of LGB people. 2.1.4, cultivating
29 a sentiment in favour of E&D for LGB people. 2.2.5 is educating the public about
30 human rights. 2.2.6 technical advice to government and others on human rights.
31 2.2.9, raising awareness of human rights and 2.2.10, promoting support for human
32 rights. So that's, that's the, the things that you've put there. In terms of putting the
33 conference together, what came first? The, the idea of having a conference, or did
34 you start with trying to meet those objects that you refer to there?

1 A. Well, actually, the conference had been planned before I'd started. So I couldn't
2 answer honestly, in terms of what the intentions of the conference was. I got
3 involved, and I got quite involved in the content actually, just to make sure it was
4 covering the areas that were relevant at that time, and that they were fulfilling the
5 purposes that I'd signed on to as the charitable purposes of LGB Alliance.

6 Q. So, I mean, two things there. First, the actual, the idea behind the conference, as
7 you said, is not something that you can speak to, the original discussions because
8 you weren't part of them. And then secondly, what you were seeking to do once
9 you'd been appointed. And I, I think it would be useful to have a look at a flyer that
10 we have in volume 2.1.

11 **Pause.**

12 A. Yes.

13 Q. So this-

14 A. Page?

15 Q. I'm sorry, I should have said, it's page 1005.

16 **Pause.**

17 A. Yes. Got it.

18 Q. And, and that is a flyer for the actual conference, isn't it?

19 A. Yes, this is an early version of the publicity.

20 Q. And it must be, not too preliminary because there's no, there's no TBCs on those
21 particular lists of names, is there? It does say at the bottom, some surprise guests,
22 but there's quite a lot of detail there.

23 A. Yes, I think the, I think the title of the first session was changed. I can't remember
24 what it was, but it was changed to something else.

25 Q. Because I was going to look at the, the titles. It's said to be, "It's a landmark event
26 at a world class venue", first of them is "Erasing the gay. Is gender identity child
27 abuse, or child conversion". So, looking at what is actually being advertised, that's
28 clearly a highly controversial topic, and indeed, a highly controversial way of
29 labelling it, so that's correct, isn't it?

30 A. Yes. And I think that's why we, we changed it. We thought it was, it just wasn't
31 the tone. The session itself, it was chaired by Malcolm, was really examining
32 what's going on, and what's worrying us about what's going on in likes of Tavistock
33 or Sandyford in Scotland. So, it, there was various attempts to try and get the
34 proper title for it, but I think we changed it so didn't sound so confrontational. I

1 think that does sound a bit confrontational.

2 Q. So you agree that sounds...

3 A. Well, it's just not-

4 Q. Provocative?

5 A. It's not the tone particularly, but, but it is, it is the case that we were very worried
6 and we wanted to, to discuss whether what's happening in the gender identity
7 development services was endangering LGB, or not even just LGB, just
8 endangering children. That was our concern.

9 Q. And to be clear, are you saying when it was being discussed, that there was a voice
10 saying that it wasn't? Title makes it look as though it's either child abuse or its
11 child conversion?

12 A. Sorry, I didn't understand that question.

13 Q. The title makes it look as though the choice being discussed is whether it's child
14 abuse or child conversion? Or is it that those two should be together and there's an
15 unspoken alternative that it isn't?

16 A. Well, I think that's why we changed the title, because it didn't really make much
17 sense if one or the other. I think we just changed it. I can't remember, it will be in
18 one of my exhibits, what it was changed to. But it was a session exploring what's
19 going on in...

20 Q. We'll have a look for that. I'll, let's, let's put it this way. It sounds as though the
21 topic didn't change, but the title might have done, is that what you're saying?

22 A. Well, yes. Well, the topic well, obviously, the, the people who were speaking at it
23 had already written, like Helen Joyce, on the issue of transitioning and services, and
24 whether that was damaging, or could be seen to be damaging children.

25 Q. And then moving on to the second title, "Facts matter, erasing LGB in language,
26 law and data". Again, the, the assumption seems to be that it has happened, but
27 there's no alternative voice being put, is there?

28 A. Well, the people who were on the panel generally held the view that the language
29 was becoming confusing, as my, I think, as Bev Jackson was saying in her
30 evidence, and that in fact, she was chairing it because she's an expert in language
31 because she's a translator, and, and we were exploring that language has, has been
32 confused and it's causing problems, specifically for LGB people.

33 Q. And I believe that Robert Wintemute, if that's pronounced correctly, is also, has
34 also been a trustee of LGB Alliance, that's correct?

- 1 A. He's still a trustee, yes.
- 2 Q. Yes. And moving to the third heading "Cancel Culture and Free Speech". Now,
3 the, the intention of this session, and tell me if I'm wrong, seems to be to identify
4 that LGB views have been the object of cancel culture, is that right?
- 5 A. Yes.
- 6 Q. And you, you were a speaker at that, in fact, that's the view that you have?
- 7 A. I was actually the chair of that session. I take a special interest in free speech from
8 my profession as a journalist previously, and the, actually it was exploring stories
9 that I'd heard directly, for instance, David Bridle whose livelihood had been
10 destroyed for one tweet, which said, "You may not like what LGB Alliance says,
11 but they're worth listening to", and for, for putting that tweet-
- 12 Q. I'm sorry, I didn't catch your answer?
- 13 A. Oh I'm sorry. You know, I'm Scottish and I speak too quickly. So I'm very happy
14 for you to say slow down. So I do apologise. So I was just explaining that I
15 wanted to chair the session because I had heard stories that I thought needed to be
16 exposed. And one of the stories came from David Bridle, whose livelihood had
17 been ruined, he used to be the owner of Boys Magazine, his livelihood had been
18 ruined for one single tweet, which was not even supporting us, just having some
19 curiosity about us, and I thought his story was, was very upsetting, and I wanted
20 him to explain what's happened and what, how the toxicity around this issue has led
21 to people's livelihoods being taken away from them. He's now on benefits, I think
22 he might have picked up a job later, but...
- 23 Q. And looking at the fourth heading in this, in this flyer, this is more neutral, but the
24 way forward obviously, is to be seen in the context of the other topics, isn't it?
- 25 A. Yes, it was meant to be a more kind of light hearted end to the session. Who was
26 on it? I think, yes, it was meant to be, I think we changed, that wasn't who
27 attended, I'm trying to remember the name of the actor who was there, but he's
28 quite funny. And we wanted it to be a light hearted end to the conference.
- 29 Q. The names you've got there, I'll just describe it generally. Certainly amongst them
30 are people who've got very well-known and very firmly expressed views?
- 31 **Background discussions.**
- 32 A. Yes, it was, actually it was, it was James Dreyfus the actor who subsequently was
33 on the panel. And as I said, it was a kind of light hearted summing up of where we
34 are to try and make people less depressed.

1 Q. And as I said, some of the people we can see listed here and it may have changed, I
2 accept that's what you said.

3 A. Yes.

4 Q. Are people who-

5 A. I don't know why an, an old version of the, of the, because we did have an updated
6 document which was given out at the, the actual event so that would have had all
7 the proper people and the proper titles.

8 Q. I'm looking at this really, just to get a flavour for what the essence of the
9 conference was rather than what was necessarily the final version.

10 A. Yes.

11 Q. My junior, Mr Loveday, found it at 3267.

12 **Background discussions.**

13 Q. 3627, seems to have found at least a screen grab of what may have been the first
14 set, so that's in the final of the four bundles.

15 **Background discussions.**

16 Q. Yes 2.4.

17 MS MONAGHAN: Can I just say to [inaudible] she might find it easier if you put that
18 flyer, just because-

19 [Crosstalk]

20 A. Right. I will get very...Okay.

21 MS MONAGHAN: [Inaudible].

22 A. Oh right, okay. Fine, I'm, like, like my speaking I am rushing.

23 MR STEELE: Miss Monaghan was wise to remove the water trap, just in time.

24 A. Right. Two...

25 **Pause.**

26 A. Repeat that back to me. Sorry, say again please, the?

27 Q. Yes, it's 3627 in bundle 2.4.

28 **Pause.**

29 A. Yes. Okay.

30 Q. So it's not a flyer, but-

31 A. Yes.

32 Q. -it, so it seems to be a screen grab from YouTube and the session name has
33 changed to "Lies, gender identity and stereotypes, how our institutions are erasing
34 LGB". So it's moving away from child abuse or child conversion, isn't it? But the

1 essence of it seems to be in the same area?

2 A. Yes.

3 Q. So, so I think that's consistent with what you've said about the topic under
4 discussion not changing?

5 A. Yes.

6 Q. It was the title that you were concerned?

7 A. Yes.

8 Q. So, so the discussion would still have been about what's perceived to be child
9 abuse, is that right?

10 A. It's, I would put it, I would phrase it, our concerns about what's happening to
11 children in the services, which is Tavistock in London and Sandyford in Scotland,
12 as was discussed in the Cass report. This was before the Cass report, obviously,
13 this was us ringing alarm bells about our concerns, and discussing it and bringing it
14 to the attention of the people who are in the conference.

15 Q. And just while we're here, we can look through, and I, it looks as though the other
16 session names stayed the same, didn't they?

17 A. It looks like that. Yes.

18 Q. And the only additional thing, if you go through just 3629, is that the keynote
19 speech was given by Allison Bailey?

20 A. Indeed.

21 Q. So those are spread over a few pages. So at the risk of obsessing the, the water
22 container if it's there, if I can ask you to put that away, and we go back to page
23 1005 in volume 2.1 again?

24 **Pause.**

25 A. Volume 2.1, could you repeat the?

26 Q. Yes, certainly. It's 1005.

27 JUDGE GRIFFIN: It is very last page.

28 A. Okay. Thank you very much.

29 **Pause.**

30 A. Yes, I'm there, thank you.

31 Q. So it captures on a page, subject to that change of title, what actually happened, it
32 doesn't necessarily capture the particular identity of all the speakers and it doesn't
33 capture that the speech that was given by Allison Bailey, but otherwise, it's
34 consistent with what we have elsewhere?

1 A. I believe so.

2 Q. So I suggest, therefore, the programme makes clear that this is a conference
3 highlighting and campaigning on gender critical issues? Is that fair?

4 A. Well, I have to say that I didn't know what gender critical was before I started LGB
5 Alliance and I, so I, I wouldn't describe it as gender critical issues particularly, I
6 would just describe it as the issues that were concerning LGB Alliance. Not that I
7 think there's anything wrong with gender critical, it's just that I'm not very used to
8 the kind of the language and theoretical language.

9 Q. I'll perhaps put it this way, I believe you will have been in the hearing, obviously?

10 A. Yes.

11 Q. Through, throughout or at certain points?

12 A. No, throughout. I've heard all the-

13 Q. And it's really in terms of speed of presentation as much as anything else. It seems
14 to be broadly agreed, if I can put it that way, at least what the core of gender critical
15 meant, as between, for instance, Miss Jackson and Dr Bell. Do you recall that? I
16 put to Miss Jackson, Dr Bell's evidence about what she understood by gender
17 critical?

18 A. Right, yes.

19 Q. Which has at its heart, obviously, the idea that sex is immutable.

20 A. Yes, yes, I do understand it now. It took me a while.

21 Q. Yes. And so are you happy for me to use that, and I accept-

22 A. Yes. Oh, yes, I am. Sorry, I was just explaining that-

23 [Crosstalk]

24 A. Yes, I'm very happy for you to say it.

25 Q. And similarly, in terms of, if you like, educating the public, it's, it's not a case that
26 you're, as an organisation, putting forward competing views on the subject, you are
27 putting forward LGB Alliance's views?

28 A. We're putting forward the views of the people on the panel in the areas that we have
29 concerns or interests in. So you're right, I mean, it's, it wasn't a, you know I, it
30 wasn't a panel, which is you've seen television where you've got, where you're
31 trying to balance the discussion, because we were trying to raise the issues that
32 were concerning us. So we had the best speakers that we could find who were
33 totally immersed, if you like, in, in the subjects, and they could explain to the
34 audience, you know where the, where the issues are. And there was, there was

1 debate, but it wasn't, you're correct to say it wasn't debate, like we would have
2 someone from a completely different point of view, to give the opposing point of
3 view, because that's not, the purpose of the conference was to explore the issues
4 that were concerning us.

5 Q. Thank you. Going back to your statement now, if I could. Your first statement, I
6 should say.

7 A. Yes.

8 Q. And this time to paragraph 13.

9 A. Yes.

10 Q. This is under the heading "Friends of LGB Alliance", which you, you rely on as
11 supporting various aspects of the objects? You say "We launched a community
12 building initiative, Friends of LGB Alliance", you don't, you don't say when, are
13 you able to help us on that?

14 A. No, I think it's, it was a general intention. I, if I can ex, let me, where do I start
15 here? I, this would probably have happened in reality, when we eventually
16 appointed and found the money to appoint a managing director. And we could
17 really start doing our, the actions of a charitable purpose. So it, when I joined, there
18 was no staff at all. Everyone was volunteers. And Kate and Bev and the rest, and
19 [inaudible] had really good intentions of what we were doing, what we wanted to
20 do, but it was quite hard to get things actually done until we had a paid member of
21 staff who could organise a management team and organise volunteers. So I'm
22 sorry, that's a long-winded answer, but I think it's, gives the context of where we
23 were working.

24 Q. So, so in terms of launch, I think what you're saying, there was an aspiration to
25 build Friends of LGB Alliance, but you're not able to help-

26 [Crosstalk]

27 A. Well, I think when we, we, we appointed our managing director, Kate Barker. She
28 actually, we appointed her, there was an, you know, an interview process, of
29 course, and she was appointed because her focus was entirely on, or largely on
30 doing the projects and organising the things we wanted to do. Principally the
31 helpline, the friends and everything I listed here, I think took off, especially when
32 we got Kate on board, and of course, if you remember when we started the
33 Alliance, the, there was lockdown. And so two years basically of everything being
34 done on Zoom, and it being very difficult actually to activate these things or

1 encourage people to meet. So when lockdown finished, the ideas that people had,
2 and we had our managing director, was able to start to put them into practice.

3 Q. And I'm pressing you a little bit just to get a firmer idea, if you can't tell me, you
4 can't tell me.

5 A. Yes.

6 Q. So what time you're talking about then with?

7 A. The Friends?

8 Q. Yes.

9 A. Let me just think, Well, I came on, I came on as the Trustee Chair, in May 2021. I
10 don't actually, I couldn't say accurately, maybe, maybe the beginning of 22, the
11 beginning of this year, we started to, but I could be wrong. Kate Barker, as I said,
12 our only full-time paid employee will know much more detail than, than me and
13 actually when we started it, but I knew that she was working hard on it.

14 Q. So early 22, that's actually not long before your statement was prepared, is that
15 correct?

16 A. Yes, but I couldn't, I mean, I really would have to, it could be the end of 2021.

17 Q. Okay, so you think-

18 A. It was an aspiration and it's been put into practice now.

19 Q. I'm just looking at what you've said in this first statement first, just to sort of, check
20 about it, there is a starter pack, which you exhibited, but that wasn't dated. If I can
21 perhaps approach it from a slightly different direction, you didn't give any
22 indication in this statement of what had been done, or what funds had been raised?

23 A. What funds had been raised?

24 Q. By virtue of the Friends of LGB Alliance, or-

25 [Crosstalk]

26 A. None of this, none of this, I don't think had any significant funds. I mean, as an
27 organisation, we probably get between three and £6,000 a month as our income,
28 total income from just small donations. So actually, these things are pretty much
29 unfunded, you know, not funded. So the Friends was really an initiative that our
30 managing director was able to take on. The starter pack, because the managing
31 director, Kate Barker, previously ran it, or still does run her own design business,
32 and she was person who did all her design work as a volunteer, she volunteered her
33 company's time, so she was able to do all these lovely things, basically, for, for
34 free, that wasn't funded, so...

1 Q. I mean, the reason I asked about funding is that in your second sentence of
2 paragraph 13, you say “It's a way for people to connect over shared interests, to
3 establish new friendship groups, and if they choose, to fundraise at the same time”?
4 A. Yes.
5 Q. So it was really, that's what I was picking up on.
6 A. Sorry, yes.
7 Q. But there's, there's no, there's no evidence you put forward about whether any
8 fundraising did take place as a result of it?
9 A. Well, it's, it's still very nascent, trying to get these groups organised and I think
10 there's one in Bristol, that's, it's further advanced. So I, I don't, I would be surprised
11 if there'd been any fundraising done at this stage.
12 Q. And moving to your second statement.
13 A. Yes.
14 Q. At page 243. No, I think I might have got that wrong. Two-
15 JUDGE GRIFFIN: That is where the statement starts.
16 Q. 244. No, 243, 243, apologise. This is the, the very recent update-
17 A. Oh yes.
18 Q. -that has been admitted into evidence, and since March, you say at paragraph two,
19 “We've been building on our Friends of LGB Alliance initiative. We are setting up
20 regional hubs with volunteers taking the lead to organise social events. We have
21 volunteers now working on this in London, Bristol and Kent” and there's reference
22 to a book club. So I think this doesn't cut across what you've just said. It's, it's a,
23 it's a work in progress, is what you're describing, isn't it, the setting up of regional
24 hubs?
25 A. Yes.
26 Q. And you've said there's no fund have been raised as such that you're aware of? And
27 it's very nascent.
28 A. No. As I, sorry, it', we-
29 [Crosstalk]
30 Q. Sorry that was your word.
31 A. Sorry, I'm just saying, no, I'm just saying, no, no, I'm just saying it was, there was
32 lockdown so actually organising hubs of people getting together, you know, it was
33 very difficult to do. So as soon as lockdown finished, and we had a managing
34 director, we have been busily trying to, because if you think it's a really important

1 thing, that LGB people have got communities, I won't go on, because I'm sure
2 you'll ask me about it, but we've, we spend so much time or people there taking
3 calls, not calls, answering messages from people who are basically lonely, and feel
4 isolated, and the services that were there in the past for LGB communities are no
5 longer there. So this is an idea to actually fulfil the need for people to meet with
6 likeminded people and have some fun.

7 Q. And you've made reference to the book group, there's not a great deal of detail
8 about that?

9 A. Well, this was a particular thing that Kate Barker was, was very keen to do. Kate
10 Harris thought it was maybe not so important. They have these debates. But it's
11 been launched and Kate Barker looks after that and we discuss books.

12 Q. And when was that launched?

13 A. I think probably, around, well, when Kate came on board, our first paid employee,
14 it was around that time, I'm trying to remember when we, we employed Kate, it will
15 come back to me.

16 Q. It, it wasn't mentioned, I don't think, in your first statement, so I've taken it to be an
17 update since March?

18 A. I think...

19 Q. But maybe I'm wrong?

20 A. [Inaudible].

21 **Pause.**

22 A. No, Kate, Kate had been, Kate was employed when we did the first statement, sorry
23 I, sometimes my memory lets me down. But Kate was employed when I did my
24 first statement. Yes, as managing director. That's absolutely right. And I
25 remember very clearly she was employed when we did my first statement, and you
26 know while, while we were doing all the work to, for this trial, which I have to say,
27 as you can imagine, was very, very time consuming, we still managed for Kate,
28 because we told Kate that she should concentrate on doing the day job if you like,
29 getting the services up and running, and while the rest of us were employed, trying
30 to get our act together for this trial.

31 Q. I, I think the point was, it looked to me as though this was an update. In the second
32 statement. There's no reference to the book club in the first statement.

33 A. I think the book-

34 Q. I'm just clarifying the time?

1 A. Sorry, yes. I think the book club was, came after as an idea the-
2 Q. After, after the first statement?
3 A. The hubs. I think so. I think so.
4 Q. So after the hubs, you're saying?
5 A. Yes, after the hubs and the, the [inaudible], I think so.
6 Q. Now, going back to your first statement therefore.
7 A. Page?
8 Q. Page 237.
9 **Pause.**
10 Q. You'd-
11 A. Yes.
12 Q. You'd relied on Friends of LGB Alliance in March as a demonstration of various
13 charitable objects, including advancing education, raising awareness of E&D
14 issues, etc. Cultivating a sentiment in favour of E&D for LGB people, promoting
15 support for human rights. Those are some things referred to there. It sounds as if,
16 at this stage, at least, in reality, it was aspirational rather than that these were things
17 that were being done?
18 A. Yes, as I said it, the initiative, once we found the money to pay for a managing
19 director, we were then able to put into practice the ideas that Kate and Bev and all
20 the other sort of management team had been discussing. And, and I think it was
21 very, very impressive that Kate got things off the ground, as soon as she, as soon as
22 she started.
23 Q. And to use my phrase from earlier, it's, it's still work in progress. It's still to a
24 significant degree aspirational, isn't it?
25 [Crosstalk]
26 A. Well, it's, yes, it's nascent. It's building. I mean, I think all the things we're doing,
27 especially ones that have got a community feel to it, are, well, actually it really was,
28 there was the lockdown, I'm not using that as an excuse, because the reality is
29 actually it was when Kate came on board, that we could start doing these things,
30 you know, with, with, put them into practice, basically.
31 MR GIBBON: Madam, that might be a convenient moment.
32 JUDGE GRIFFIN: Yes. Just thinking about timing.
33 MR GIBBON: I can perhaps speak for counsel now, we remain of the view that it's
34 obviously a matter for the Tribunal, I'm going to be a while longer clearly, we've

1 looked into our respective diaries and if the Tribunal were of the view that we
2 needed to come back after the evidence had closed, there are two three-day
3 windows adopting Judge Neville’s concern from yesterday about having adequate,
4 more than adequate time that are convenient to counsel. We obviously don't know
5 whether they're convenient to the Tribunal, 7th to 9 November, and 14th to 16
6 November.

7 JUDGE GRIFFIN: Well, we will look at those dates with a view to being forewarned and
8 forearmed and we will discuss what we would like to do this afternoon, during the
9 short adjournment.

10 MR GIBBON: Madam.

11 JUDGE GRIFFIN: Right, is there anything else that we need to deal with before the short
12 adjournment? Guess not. Miss Gallagher, could I just remind you, as I have done
13 every witness, that it is important that you don't discuss your evidence or the case?

14 A. Yes.

15 JUDGE GRIFFIN: With any of your colleagues or friends.

16 A. Yes.

17 JUDGE GRIFFIN: During this short period, or any later greater-

18 [Crosstalk]

19 A. I understand that. Thank you.

20 JUDGE GRIFFIN: Thank you very much. See you at two. Thank you.

21 **Court rises.**

22 **Court resumes.**

23 JUDGE GRIFFIN: It is not too hot yet, but as I indicated, please do take your jackets off
24 if, at any stage, you would like to. I hope you got some lunch, Miss Gallagher?

25 MISS GALLAGHER: I did, thank you very much.

26 JUDGE GRIFFIN: Mr Gibbon?

27 WITNESS EVIDENCE OF MISS GALLAGHER (Cont’d.)

28 Cross-Examination by MR GIBBON (Cont’d.)

29 Q. Miss Gallagher, I was going to move on to paragraph 14 of your statement next.
30 And that's found a page 237, which you may have open from before?

31 A. Yes. Got it.

32 Q. And this is under the heading “Webinars” and you say “We developed a series of
33 webinars on, on subjects as diverse as tackling a rise in international homophobia,
34 financial planning for LGB people, and understanding gender dysphoria and

1 produced an informative election special”. Now you don't, you don't refer in too
2 much detail about when it took place, contents, etc. but you do exhibit certain
3 screenshots, so I'm just going to go to those now.

4 A. Okay.

5 Q. Of front pages. They're found within volume 2.4. Page 3693.

6 **Pause.**

7 A. Yes. Got it.

8 Q. So looking at the four that you exhibited. So, first of all, there's “Everything you
9 wanted to know about gender dysphoria, but were afraid to ask” from 28 January
10 2021. The second exhibited is the pub quiz, which I think there's a risk of double
11 counting that really, that you deal with it under a separate heading?

12 A. I think so, yes, I do. Yes.

13 Q. So we'll put that to one side. Then moving on to the next page. The, the actual
14 screen grab simply says “Welcome to the gay spot with Bev Jackson and Kate
15 Harris and friends”. But underneath that, it says “Tsunami warning, tackling a
16 worldwide wave of homophobia”, doesn't it?

17 A. Yes.

18 Q. And then I believe the final one of the examples given is the election special from
19 21 April 2021. Now were there, were there lots of other webinars?

20 A. I think, I, no, I think these were the, the, I think this was all of the webinars, again,
21 it predates me, but I think the idea was because it was lockdown, the way, one of
22 the ways of communicating with our people who are supporting us, or our
23 constituency if you like, was to put on these, these webinars.

24 Q. So, so when you say predates you, so, so it was particularly a lockdown thing
25 therefore and since you've been there, there's nothing further?

26 [Crosstalk]

27 A. I don't think there has been, no, it's very much lockdown related.

28 Q. Okay-

29 A. But, I mean, again, it's a resources issue. I mean, we'd like to continue doing it, but
30 it did take up a great deal of resources of our organisation. And when this was all
31 done, this was pre-dates, I think any staff at all. So it was, you know, done by
32 volunteers.

33 Q. And as I say, we, we can put the pub quiz to one side, because that's dealt with
34 separately.

1 A. Okay.

2 Q. So, of the three, the elections special, are you able to tell us a bit more about that?

3 A. I really can't tell you so much about the content of it. I really do apologise. I
4 haven't seen much of it since...

5 JUDGE GRIFFIN: Miss Gallagher, I am really sorry.

6 A. No, no, I'm sorry.

7 JUDGE GRIFFIN: But I cannot hear you, that, that microphone I am afraid will not
8 amplify your voice to us.

9 A. Ah, right, I'm sorry, yes.

10 [Crosstalk]

11 JUDGE GRIFFIN: It will to the remote observers. You were saying you cannot tell us
12 much about the election special?

13 A. No, I can't.

14 Q. Okay, so, so what we're left with, apart from those, is from January and May 21,
15 the gender dysphoria webinar and tackling a worldwide wave of homophobia. And
16 those, I suggest are both about gender critical issues, aren't they?

17 A. Yes, well yes, I suppose, so just, which ones we have been mentioning, like we
18 just-

19 [Crosstalk]

20 Q. Just, just the two that we have left. So going back to page 3693.

21 A. Yes.

22 Q. The top one.

23 A. Yes.

24 Q. And then, the top one of the following page "Tsunami warning, tackling the
25 worldwide wave of homophobia"?

26 A. Yes. Well, I think worldwide wave of homophobia isn't about gender critical, it's
27 really about the problems we have as gay people throughout the world. And that's
28 not related to anything to do with, I don't think gender critical. I mean we have had
29 campaign for, in Uganda, where we, we were helping in Uganda pride because
30 their, the problems there are very, very different with the problems that gay people
31 have here. So that really is more of the worldwide issues that homosexuals face.
32 And, of course, you know, in some countries, it's punishable by death.

33 Q. And homophobia in...

34 A. Worldwide.

1 Q. In the views of LGB Alliance, that, that's the label that's attached to what you've
2 heard described as gender ideology, isn't it?

3 A. Say that again, sorry?

4 Q. The gender ideology or gender identity ideology, carries with it homophobia.
5 You've heard that in evidence?

6 A. I believe in some instances, yes. It's not something I've really focused on so much.
7 I've always thought of homophobia as being anti-homosexual, and certainly in a
8 worldwide basis, it's very severe. Not so here in this country, where we've had this
9 issue of the, the extension of LGBTQI+ organisations, homophobia is become a
10 different issue, and one that I've had to sort of learn about, which is really what
11 happens when there is a, a kind of conflict between some people's rights, sorry, and,
12 and gay people's rights.

13 Q. Were you involved in making that 26 May webinar yourself?

14 A. 26 May?

15 Q. The one at the top of page 3694?

16 A. 2021. No, I wasn't.

17 Q. And you gave a very long list in your statement, if you've got paragraph 14 open in
18 front of you still?

19 A. Yes.

20 Q. Of objects that were being met by the webinars. Is it fair to say that, and I can go
21 through them, but is it fair to say that what we're talking about here is, is three
22 webinars alone, isn't it? Putting it aside the pub quiz which we'll come to?

23 A. I think so, yes.

24 Q. And there is, well, as I say, I won't take you through the details of them, but...

25 A. Again, this is very much around the time before I joined the organisation.

26 JUDGE GRIFFIN: Could everybody please on the remote link make sure their
27 microphone is muted. Thank you. Sorry to interrupt.

28 A. No, no.

29 Q. So...

30 A. So I wasn't involved, not, I mean I'm, I'm, as chair of the board, I don't in, I mean
31 I'm very involved in policy and chairing the meetings and, of the organisation, but I
32 don't get involved physically in delivering the services.

33 Q. So to be clear, I'm, I'm asking you, because you've put forward this material.

34 A. Yes, of course.

1 Q. As, as your evidence. And I'm trying to explore what, what weight is attached to in
2 terms of the scale of the activity that you're putting forward. And I'm suggesting
3 it's, it's a relatively limited amount and that's ceased, from what you've told me
4 since the time or about the time that you became?

5 A. Yes. And it's not-

6 [Crosstalk]

7 A. It's not connected. It's more connected with the fact that this was being done for
8 the, the lockdown period. So, but again, it really is, it's really a resources issue. I
9 mean, we, I've explained before that we've got one part time-administrator, who's
10 brilliant, called Kerry Mullin and a managing director. And that is it. And we
11 didn't, we didn't have anyone paid until this point. So I will, I always argue with
12 bandwidth, what can we possibly do? And what, and if you do things, it has to be
13 done well, so we have to select, you know, we have to be very selective about what
14 we can deliver.

15 Q. So moving back to your statement on page 237, the next heading is "Quizzes".

16 A. Yes.

17 Q. In the plural. "In the depths of lockdown when we all needed cheering up, we put
18 together a panel of comedians for a pub quiz", so, in fact, it's a quiz, isn't it, rather?

19 A. Sorry, yes, that's an error. Take off the S.

20 Q. And I, I looked up at object 2.2.3 which suggests that this was relieving need
21 among the victims of human rights abuse?

22 A. Yes.

23 Q. That, does that sounds a bit of an overstatement to you?

24 A. Well obviously, in the human rights, in terms of the human rights list, it's framed
25 that way, but we were definitely, we were relieving a need for people who were
26 isolated, gay, lesbians, bisexual people who were isolated in their homes. And the,
27 the need was for some entertainment. It was also very informative, because the
28 subject matter was the history of gay life and we're able to celebrate, you know,
29 when was the first gay pub in, gay club, sorry, in London, and it was 1922. And
30 people interacted and it was a really, it was educational as well as entertaining.
31 And I think it really did very much relieve a need of our people.

32 Q. So you're suggesting it's educational, as well as relieving the need?

33 A. Well, it was a history, it was gay history. And you don't see too much of that these
34 days, but gay history of you know, when, when the movement started, who was

1 involved in it? So it was educational. It was educational for me when I watched it.

2 Q. Would, would it be fair to say that you had one quiz that was to cheer people up?

3 A. Yes, absolutely.

4 Q. The next heading in your first statement is paragraph 16, "Newsletter"?

5 A. Yes.

6 Q. You said there, "We send our 4,487 subscribers for regular newsletter to keep them
7 connected with our work etc. We believe that good communication with our
8 supporters is the best way to be able to speak to their needs and provide meaningful
9 help". And again, there's a there's a list of objects which include, well things I've
10 covered, include sound administration of the law etc.

11 A. Yes.

12 Q. When I looked through the bundle, bundle 2.4, if I can ask you to turn to page
13 3696?

14 A. Yes.

15 **Pause.**

16 Q. Now is, is this all the newsletters you had when you prepared your statement? Are
17 you able to recall?

18 A. No, no, I think we just put this in as a, as our example. Before, and again, Kate B,
19 Kate Barker, who has now become our managing director who was, I explained
20 earlier, she was volunteering, and she, so this was an activity done by our
21 volunteers headed, I think by Kate Barker before she came on board as the
22 managing director. So this is, this is, this is one of the things we decided we'd
23 prioritise. And we do it on a monthly basis, and we get feedback from it. And so
24 we've decided that webinars are a bit, at this moment, what's the word, a bit
25 resource heavy, so we've concentrated on the things that we think really fulfil a
26 need. And I think the newsletter was what we went for.

27 Q. And just so we're on the same page, as it were?

28 A. Yes.

29 Q. I think there are three newsletters here, one from August 21?

30 A. Correct.

31 Q. One conference 21 and one January 22. So that, is that-

32 A. Yes.

33 Q. Your understanding?

34 A. Yes.

1 **Pause.**

2 Q. And I don't want to spend a great deal of time on this, these are relatively short
3 documents, little bits of information, again, things to, dare I say, cheer the troops?

4 A. Yes. And inform them. Informing them of events they may want to come to and
5 just generally, what we're, what we're up to, and having a conversation with our
6 supporters.

7 Q. And, again, in your statement, it's been put forward as, this material as evidence of
8 [inaudible] numerous objects, and I'm not going to go through all the contents, but
9 if I can just say compendiously, I suggest that, that list tends to overstate the
10 impact, and the contents which they, they've got information.

11 A. Yes.

12 Q. But they are, they're newsletters, they are what...

13 A. Yes.

14 Q. What they're described as. And so is it right to say then that, from what you've told
15 me, that since January, 22, there have been further?

16 A. Yes, we do-

17 Q. It's probably a monthly basis?

18 A. They are, they are now done on a monthly basis regularly.

19 Q. Do you know when they moved to a monthly basis?

20 A. I don't, no, I do not. But I think it's been one of the most frequent bits of activity
21 that we've done as a, as an organisation.

22 Q. Going back to your, your first statement?

23 A. Yes.

24 Q. You refer to party conference.

25 A. Yes.

26 Q. And the question, I perhaps should have gone back to with Miss Harris, because
27 she mentioned going to conferences and then we moved on to another topic. You
28 have only mentioned one conference and your statement is having been gone to?

29 A. Yes.

30 Q. Is, is that correct? There was just one conference?

31 A. Well, we went to the Conservative Party conference, and I was there. And then we
32 did the Conservative Party Scotland, conference in Scotland. So there was, I mean,
33 as I think, previous evidence given, we, we haven't been allowed a stall in the
34 Labour Party or the Lib Dem conferences. So we're only allowed, it was only the

1 Tories that allowed us in. So we took that, took advantage of that. But we went to
2 the Scottish one as well, because there's obviously a lot of things going on in
3 Scotland with Sandyford up there and the Gender Recognition Act. So we took the
4 time to-

5 Q. And-

6 A. -go up there.

7 Q. Sorry.

8 A. Oh no, it's fine.

9 Q. Could you tell me, it's not on the face of your statement when the Scottish
10 conference was?

11 A. It was a Scottish party conference. It was, it, I don't know exactly. It felt like about
12 six months after this. Something of that nature.

13 Q. Moving on to the arts heading in that statement?

14 A. Yes.

15 Q. LGB people have long contributed to a rich art scene in the UK. And you begin by
16 referring to a fully scoped project to provide grants to young LGB filmmakers?

17 A. Yes.

18 Q. Now you exhibit within volume 2.4, and I'll just take you to it. At page 3716.

19 A. Yes.

20 Q. I think we're, we're looking at the right document here, are we?

21 A. Yes, yes.

22 Q. So it doesn't make clear from that when precisely it was scoped.

23 A. It was before I arrived, but it was, the thing about this particular event or activity,
24 we haven't had, we haven't managed to get a funder for it yet. I mean, we find it
25 very hard, because we're labelled as a hate group, this is one of the big problems,
26 it's very hard to get people to give us money. And this is one of the big challenges
27 for us, to, to let people know what we really are, which is definitely not a hate
28 group, so they'll give us money. But it's very natural for people to be very wary and
29 you know, without having to do great research, if they think we're a hate group,
30 you know, it's very hard to get the funding, it's just, and we're not, but it's very hard
31 to get the funding. So that's a, sorry, that was a long-winded answer, but the, we
32 haven't, we haven't got the money to do this. So we've got the materials and ready
33 to go. But we need to get a funder for it. But it hasn't been a priority, because
34 we've had to use the money for other, or a little money for other things.

1 Q. So, so it was [inaudible] before you were first associated with LGB Alliance?

2 A. I remember the discussions of it, how good it would be to get, because there's so
3 many creative people in the, in the gay community. And it just seemed a good idea
4 to have a film, event for people to make films. But we, as I said, we'd have to have
5 it funded and we haven't managed it yet.

6 Q. That was, yes, there's no funding and no grants have been made, so...

7 A. Yes.

8 Q. Focusing on this in terms of what the activities have been?

9 A. Yes.

10 Q. That's what I've been trying to work out, what's aspiration and what's activity?

11 A. Yes, of course.

12 Q. So going back to your statement now, your first statement, and I, I know things
13 move on, but if I just show you this statement first of all, "We are also seeking
14 funds"-

15 A. Which part, sorry?

16 Q. Paragraph 20.

17 A. Right.

18 Q. Apologies.

19 A. Yes.

20 Q. "We are also seeking funding for our film project 'Queens on the Queen'"?

21 A. Yes.

22 Q. To celebrate the Diamond Jubilee. "The premise for this series of interviews,
23 probably obvious and it'll certainly be fun", and then you refer to the bid document.
24 And just to show you that, if we go back I'm afraid, switching around all the time,
25 to volume 2.4, page 317.

26 A. 317?

27 Q. 371, sorry, I apologise.

28 A. Yes. Yes.

29 JUDGE GRIFFIN: Can I just ask before we move to that? Diamond Jubilee, did you
30 mean her late Majesty's Platinum Jubilee?

31 A. It was going back to, 70 years is, have I got that wrong. 70 years. It's since sorry,
32 it's the, it's during the reign of Her Majesty Elizabeth II, so it's about 70 years,
33 what's happened during the reign of Her Majesty to the, to and it's mostly about gay
34 men really. So a lot of older gay men. What's happened? What's changed in their

1 lifetimes, generally speaking, a very positive story. And so it was, it, this is, this
2 was before the Queen died. So...

3 JUDGE GRIFFIN: So this is a reference to the Queen's Jubilee rather than the Jubilee of
4 another event?

5 A. No, it was reference, reference with Queen Elizabeth's Jubilee.

6 JUDGE GRIFFIN: Thank you.

7 A. The Second.

8 JUDGE GRIFFIN: Sorry to interrupt, I just was a little confused.

9 **Pause.**

10 Q. 3717.

11 A. Yes.

12 Q. I apologise for the wrong reference earlier. So the executive summary, "Queen, 70
13 years of LGB history is a two-part project comprising Queens, a short film and
14 LGB online memory bank/archive to be called 'No Erasure'". Erasure, in that, is
15 that similar to the use of it in the, in the, in the conference programme that we saw
16 earlier, or are you not able to help me on that?

17 A. I can't help you on that, I'm sorry.

18 Q. And then moving forward through to page 3720.

19 A. Yes.

20 Q. You set out the budgeting etc. needed, and this relates to the first of the two
21 projects, I think, principally, because there's a longer, longer-term funding strategy
22 comes afterwards, but £9,400 was what was needed?

23 A. Yes.

24 Q. And then in your second statement, if I can ask you to turn to that?

25 A. Yes.

26 Q. At page 244.

27 A. Yes.

28 Q. You refer to funding from London Community Foundation, but this was
29 suspended?

30 A. Yes.

31 Q. And I'd like to take you to a letter which you've exhibited from the Charity
32 Commission. And that involves going back to 2.4, page 3908.

33 A. Yes.

34 Q. So 3908 should be exhibit EG20?

1 A. Sorry yes, I'm just turning the page, thanks.

2 JUDGE GRIFFIN: I think the letters are actually at page 3909, in my bundle.

3 A. Yes. Got it.

4 JUDGE GRIFFIN: Is that right?

5 A. Yes, I've got it here, thank you. 399.

6 Q. I'm taking you to this because it arose out of the-

7 A. Yes.

8 Q. The sequence on the funding. And this is a letter from the Charity Commission to
9 Jackie Doyle-Price MP, dated 19 May 2022?

10 A. Yes.

11 Q. You've asked for clarification of the Commission's regulatory position in relation to
12 LGB Alliance, and it says there "Shortly after registration, concerns were raised
13 about the charity in connection with its campaigning work and its use of social
14 media. A regulatory compliance case was subsequently opened to explore these
15 concerns and further with... These concerns further with the charity's trustees. The
16 case was closed in March 2022 with the commission issuing regulatory advice and
17 guidance to the charity's trustees under Section 15(2) of the Charities Act, to assist
18 them in the discharge of their regulatory duties. No investigation has, to date, been
19 opened". Now, pausing there, you haven't said in your statement or produced an
20 exhibit what that advice was. You were able to?

21 A. Yes, I can. And it doesn't relate to... Mostly the, the projects or the funding. The
22 charity, this is very early on when I, when I started as, in the Charity Commission,
23 and the Charity Commission received hundreds of complaints from people who did
24 not want us to be a charity. And so the poor Charity Commission had to deal with a
25 huge amount of work on our behalf. So they had to look into all the complaints, but
26 it's mostly to do with, as far as I remember, it was, it was a, it was a tone about
27 tweets.

28 MS MONAGHAN: I'm just going to pause there, I know you're annotating.

29 A. Oh I'm not allowed, I'm sorry.

30 MS MONAGHAN: I'm only interrupting because I spotted [inaudible].

31 A. I'm sorry, it's an old journalistic habit, I'm very sorry, I will put my pen away,
32 sorry.

33 JUDGE GRIFFIN: I think-

34 MS MONAGHAN: I apologise for interrupting.

1 MR GIBBON: No, no.

2 A. And it's not even, I've just put tweets there, it's just, I'm just think when I'm writing,
3 I do apologise.

4 JUDGE GRIFFIN: Miss Gallagher is the last witness so...

5 MR GIBBON: The last witness.

6 A. I'm sorry. I'm so sorry.

7 [Crosstalk]

8 JUDGE GRIFFIN: It is all right.

9 A. I'm so sorry. I don't think that was part of my training, so... Sorry. So it was
10 about her tweets. And also the, there was a political advert that we put out in
11 Scotland during the, the election there, which was talking about the Gender
12 Recognition Act, self-ID, I recall, and they'd questioned whether, I think in the
13 graphic there was, there was a ballot box, and they said to us, be careful, because
14 you can't be suggesting that there is an M, particular MPs are supporting it. That
15 hadn't been our intentions, it really was just a rather bad graphic of a ballot box. So
16 it was really just them telling us be careful, as far as I recall. But they also, we,
17 we'd quite a lot of discussion with the, with the Charity Commission about tweets.
18 And when I came on board as a trustee, I had, I'd never looked at Twitter in my
19 life, and I wish I hadn't ever had to look at it. And, and my view was maybe we
20 should not tweet because I don't like the environment. I think it's, it's very hard to
21 get any kind of debates or contextualisation, and everyone's made up their minds
22 anyway, so what's the point? But I suppose particularly Bev, Bev Jackson, sort of
23 persuaded me we wouldn't be here today, if we didn't have Twitter, it was our only
24 form of communication. And it can be put to very good use, and I've seen it put
25 into good use. But the, sorry to go back to your Charity Commission question, they
26 thought that some of the tweets were tonally not correct. And I would agree with
27 them, a couple of them. And they asked whether we should still be on Twitter and
28 we gave that reply. But we also very much, had to tighten up the procedure of
29 who's allowed to tweet. And so we went through quite a process and we had to tell
30 the Charity Commission exactly what it was, so that there wasn't easy access for
31 every, you know, for two or three people to be able to tweet on our behalf and that
32 was one of the first things I did as the chair of the board. For our reputational
33 issues, we had to make sure that every tweet out in our name was, had been
34 authorised, going through the proper process, and anything that was beyond our

1 policy had to come, first to the managing director and then to me.

2 Q. So it, we don't have that, that advice and guidance here in all that correspondence?

3 A. I'm sure it can be accessed. But it was, the, they wrote us a long letter in response
4 to all the complaints, I think there are two letters they wrote us. And it, I don't
5 know what the process is, of whether, and I, I've got no objection to anyone looking
6 at them. It was very helpful, actually. And we were exonerated. As far as that, we
7 were given advice.

8 Q. Well, I was going to say, given, given advice on discharge of duties and-
9 [Crosstalk]

10 A. Yes.

11 Q. Well I'll leave, I'll leave that there. But obviously, your second statement was to
12 bring things up to date-
13 [Crosstalk]

14 A. Yes, indeed.

15 Q. -relevant information. Returning to your... Your statement, then, perhaps going
16 back to the first statement for this purpose. The, the result is I think, now that
17 we've reached the position, has that-

18 A. What page, sorry? What paragraph?

19 Q. We're back at 19 and 20. The arts?

20 A. Oh right, thank you.

21 Q. Paragraphs. Reached the position that that film has now been made? It was due to
22 be shown has it, in fact been shown?

23 A. No, it hasn't. Because-
24 [Crosstalk]

25 A. -we had a, it was meant to be shown at an event in the House of Lords last Saturday
26 night, and had to be cancelled because of the sad death of Queen Elizabeth. And so
27 we hope to launch it, but the film's been made, I haven't seen it yet, but I'm being
28 told it's very, very good.

29 Q. So, so... Just putting it in terms of board information, since LGB Alliance was
30 founded, there has been one short film, I think it's 20 minutes, isn't it? Made, and it
31 would have been shown last weekend, but will have to be rescheduled?

32 A. Yes.

33 Q. Moving on in the first statement to the heading you've got there, "Reports on LGB
34 issues"?

1 A. Yes.

2 Q. You say “We have created a report based on interviews and a range of new data on
3 the experiences of LGB staff working for the NHS, Europe's largest employer. A
4 draft of this report is at exhibit EG11”. And before we go to that, amongst other
5 things, one of the, the objects you rely on is conducting or commissioning research
6 on equality and diversity issues and publishing useful results to the public?

7 A. Yes.

8 Q. And we will find, find that report at 3721 in volume two?

9 **Pause.**

10 A. Yes.

11 Q. And this is, I believe, by Kate Grimes, is that correct?

12 A. Yes. Kate Grimes is one of our supporters and she was a chief executive of an
13 NHS Trust.

14 Q. And she, we don't need to go back to it, but she was advertised as being on the
15 panel for that session originally called the “Erasing the gay. Is gender identity
16 abuse or child conversion”?

17 A. From memory, I think she was yes. I think she was certainly at the conference with
18 us. I'm sure she...

19 Q. So this draft, obviously it, it may develop but if I ask you to look within it at 3736
20 for instance?

21 A. 3736. Yes.

22 Q. I'd suggest this is certainly art focused on gender critical issues. If one looks at the
23 top of the page, after mention of LGB leaders, “They told us that as LGB rights
24 activity had been extended to include gender identity, they had been increasingly
25 ostracised, and” I think that should be no longer “Felt able to lead on LGB issues at
26 all”. So that's one of the concerns in the...

27 A. Yes.

28 Q. In the research, isn't it?

29 A. Yes, it is. Kate Grimes, with a lot of experience in NHS, she was looking, well, she
30 had her own personal experience and she felt that there, there was a real change in
31 atmosphere that happened over the few years, from being, sort of gay friendly,
32 tolerant, for there to be not so tolerant of gay, gay people. Gays, lesbians, and
33 bisexual people. And she, what she did was there was a lot of data that was
34 gathered by the NHS itself, of 600,000 staff interviews, so she used that data

1 because that, it was divided into sex and sexuality. So she was able to analyse that
2 data. But also she did some interviews with people who'd had experience of it and
3 her feeling was that in the NHS, things have got worse rather than better for lesbian
4 and gay and bisexual people. So it's not, I wouldn't say it was a gender critical
5 issue. It's really about same sex attracted people in the NHS. And for whatever
6 reason, she, they felt that their experiences in the NHS were getting worse rather
7 than better, and that should concern, it certainly concerned us.

8 Q. And I think from what you've said, she used personal experience as a springboard?
9 Is that right?

10 A. She was a chief executive of one of the NHS Trusts.

11 Q. And-

12 A. As I understand it.

13 Q. And then going to 3738, if again, picking up on what I said before, underneath the
14 indented quotes, you have, in an, "In an attempt to be inclusive, the NHS may well
15 be alienating the very people it's trying to support", and that's obviously again, a
16 reference to LGB being extended to T, is that right?

17 A. Yes, I think this is one of the issues that's been explored throughout, that with the,
18 with the addition of the T and the Q and the I, there's been a conflict within the
19 organisations that used to represent lesbian and gay people. And for whatever
20 reason, it's become incredibly aggressive. And you can see it from, you know,
21 lesbians being arrested at the Welsh Pride March, for saying they're lesbians who
22 only like female bodies. And this is the toxicity that's, for some reason happened.
23 So actually, to say I'm a lesbian, and I am attracted to women's bodies, is seen as
24 bigoted. And that is the, the line that the charities that used to represent us take.
25 Now this seems to have seeped into all the organisations that have got LGBTQ
26 group, staff groups, that, that philosophy of you, if you don't include trans, and that
27 includes saying, I am attracted to a trans woman who's got a male body, if you don't
28 say that, you are bigoted. And it's really infected so many organisations to a point
29 that I found really surprising and distressing. But that's what's happened. And
30 that's one of the reasons why Bev and Kate has, felt we had to stand up for lesbian
31 and gay and bisexual people, not in opposition to trans people, but recognising that
32 things have changed for lesbian, gay and transgender people.

33 Q. And coming back to 3740, I'd suggest the recommendations here are very much
34 through what I've described as the gender critical lens?

1 A. You keep, I would say it's not gender critical, it's, it's actually standing up for
2 lesbian, gay and bisexual people. I, it's not agenda, it's not theory. I deal, I'm not
3 very good at theories, I deal with real life and real life for these people in NHS,
4 people like me, have got worse, and it's not gender critical, or it's not a theory, it's
5 just these people that are having a very bad time and we need to help them.

6 Q. I'm focusing obviously on the research here, and what...

7 A. Sorry, yes.

8 Q. How to characterise the research rather than perhaps getting into wider arguments.

9 A. Well, it's the, it's the research of people who feel, who feel under pressure in the
10 NHS. And that's, and following that is how we help alleviate that pressure, that,
11 that pressure.

12 Q. Yes. And I was about to say, I don't think you'll disagree with the passages I'm
13 going to put to you.

14 A. Yes.

15 Q. And they're a draft, but you'll see on page 37401C.

16 A. 3740?

17 Q. Three, 3740, apologies.

18 A. Yes.

19 Q. I said that wrong.

20 A. Which paragraph sorry?

21 Q. 1C, so it's indented. There's a recommendation that research should be undertaken
22 independent of the influence of LGBT+ lobby groups and individuals?

23 A. Yes.

24 Q. And then (2), a recommendation "the NHS should separate LGB issues from those
25 of gender identity"?

26 A. Yes.

27 Q. And then (4), in particular, "The NHS should immediately stop performative,
28 national initiatives". And again, that's a related point, isn't it?

29 A. Yes.

30 Q. So just scrolling back a little bit now, if we could go to page 3704.

31 **Pause.**

32 JUDGE GRIFFIN: Sorry, could you give me that again?

33 MR GIBBON: 3704, Madam.

34 **Pause.**

1 Q. Now there's a heading...

2 A. Sorry, sorry. Just getting it. Yes. I've got it. Yes.

3 Q. You've got it. Thank you. So there's a heading "NHS" in the usual logo form, but
4 above that "Defending workplace rights". "Management team member Kate
5 Grimes, is a retired NHS CEO", as you, as you explained, "You'll remember her
6 powerful speech at conference, her insights into the employment practices of
7 Europe's largest employer are extensive. She is developing an important report
8 based on data and a series of interviews with current staff about the experience of
9 being LGB within the NHS. It will be published in early spring", so this is January
10 2022, this year?

11 A. Yes.

12 Q. "With a list of our recommendations for change"?

13 A. Yes.

14 Q. And you, you haven't produced it as an exhibit to your second statement, does that
15 mean it's not been finalised yet?

16 A. It's not, it's still in draft stage. I, I read it and I just felt like we needed to do more
17 work on it. Not, not on the substance of it, but on the volume of it. [Inaudible] it's
18 good enough, and we, so we thought, our latest thought is that we launch it at our
19 conference, this conference is October. So it is again, bandwidth and also, you
20 know, I think we've got, we're very careful that anything that we publish has been
21 thoroughly edited and looked at and analysed, and it's quite a big body of work for
22 us to take on. So I, it was me actually, mostly that said, can we just hold back on
23 this because we want to get a lot, you know, we want to put it in the best light, we
24 want to launch it properly, but I didn't think it was, it was written, sorry Kate
25 Grimes, as clearly as it could have been. So it was held back. Again, a bandwidth
26 issue. But, but it's a very important document and I, it needed to be correct.

27 Q. So going back to your first statement, paragraph 22 on page 239?

28 **Pause.**

29 Q. So what you said there was "This is the first of a series of reports we will produce,
30 that will build to provide a useful reference library for people seeking high quality
31 information on subjects which are important to LGB people". So, so we're nearly
32 three years on since the launch of LGB Alliance. There is a draft of the first report,
33 which will get launched, you hope, later this year. That's, that's position on
34 research, isn't it?

1 A. Yes. We did, we did, if it, I would qualify it as research, a Populus poll that cost us
2 7,000 looking at the education resources and how much parents knew about what
3 was being taught in schools. And that was something that we, we thought would be
4 useful and we've, I think we've got that as an exhibit.

5 Q. So, you set up a poll?

6 A. Yes, we commissioned Populus pollsters to try and find out, I think this was, this
7 was in response to the Welsh Government and their curriculum, I think, but we did
8 a poll asking parents how much they knew about the sexual relationship was it,
9 RSE? Relationship, Sexual Education at school. And we found that the vast
10 majority didn't know much about what was being taught. And that was a concern
11 for us because it's changing in ways that we've discussed before.

12 Q. It's, it's-

13 A. And we think influenced by ideology in a way that shouldn't be influenced by
14 ideology. So that's why we did that, that's why we did that piece of research.

15 Q. And it sounds as if when you wrote your statement, either that hadn't been done, or
16 you didn't consider it to be a report, because you talk about this?

17 A. Yes.

18 Q. Being the first of a series of reports?

19 A. Yes. We, we haven't done any more reports. Again, I keep saying that, but we, we
20 really have no staff and no resources. It's very, I mean I, when I, and a general
21 point, when I started, I was absolutely amazed how much they'd been able to do,
22 given where they were, the main resources when I started were this conference, I
23 actually thought we shouldn't do the conference, because I didn't think we had the
24 capability of pulling off a large conference, and I was very concerned about it,
25 which is why I got very involved in it. And all the trustees did. But it was a
26 brilliant conference, it was mostly Kate Barker, that did all the, the organisation
27 and... So I'm always looking at, if you do something, we have to do it well, the
28 conference was brilliant. We had, this court case, which is taking, you know, not
29 complaining, but huge amounts of time, and energy, and money, and fundraising.
30 So our bandwidth of us, mostly volunteers, is really very small. So we, but trust
31 me, we have hugely good intentions and objectives, and we will get round to it.
32 But we need to get our funding going. And we need to, you know, not be distracted
33 by people who want to, want us not to exist. And there's a lot of people who don't
34 want us to exist. And that has really interfered with all the work that we want to do.

1 Q. Turning within the same document to paragraph 23.
2 A. Yes.
3 Q. This, this is under the heading, “Representation, debate, etc.”.
4 A. Yes.
5 Q. “We have made over 30 submissions to consultations on a range of issues”, and
6 you refer specifically, for instance, I think, to EG12?
7 A. Yes.
8 Q. And if one goes to it, its volume 2.4. Page 3751.
9 **Pause.**
10 JUDGE NEVILLE: Sorry, which page is that?
11 MR GIBBON: 3751.
12 JUDGE NEVILLE: 3751.
13 A. Oh this is, this is where we got the error?
14 [Crosstalk]
15 A. Yes. Yes. That's the first page.
16 Q. Exactly. But I simply wanted to note one factor in it, is that towards the bottom of
17 the page, there's a particular focus on Maya Forstater, isn't it?
18 A. Yes.
19 Q. And so again, this, if I can put it this way, this dovetails with what I've described,
20 and I appreciate the phrase is, is one that you weren't using until recently, with the
21 gender critical?
22 A. Well, I mean, as I said, no, I just don't think that a gender critical agenda as such. I
23 mean the fact of the matter is in terms of this, our, our, this is the one about
24 freedom of speech, let me think. Yes, our fear, and I went actually to one of the
25 APPGs on this, to say that our, because we're labelled a hate group and people
26 saying we hate, we, we don't get on the BBC, we, we really don't get to get, put our
27 case across, and if it became law that anything described as hate was banned, we
28 would be banned legally. And that was our concern that it's hate is in the eye of the
29 beholder. And it's a definition. And if you call us hateful because we're scared
30 about children being medicalised, put that one forward. If we're labelled hate
31 because that's hating trans people, that's a real concern to us. So it's not really to do
32 with gender critical, it's really about us being able to speak.
33 Q. Can I move on to the helpline heading in that statement?
34 A. Yes.

1 Q. And what you say in paragraph 25, and the way it's wrapped is that it's on the next
2 page, 240.

3 A. Yes.

4 Q. "Our most ambitious project yet is now underway", and, as you may be aware, in
5 fact, it's two and a half years since it was first proposed, is that right? It was-

6 A. It was the first thing I heard about from Kate Harris and Bev when I started with
7 what they really wanted to do was a helpline, but of course there's huge amounts of
8 safeguarding costs, but it's, it's a really big project.

9 Q. So just, just to go through the sequence?

10 A. Yes.

11 Q. If I can ask you to turn to volume 2.1?

12 A. Yes.

13 Q. At page 942?

14 **Pause.**

15 A. Yes.

16 Q. So about halfway down the page, you'll see a heading "Explain how the
17 organisation"-

18 A. Yes.

19 Q. -"carries out its purposes". I should explain, this is a document that was submitted
20 to the Charity Commission on 13 March 2020. So obviously, the time prior to your
21 involvement.

22 A. Yes.

23 Q. So I'm just showing it by way of context.

24 A. Yes.

25 Q. And the second paragraph, it's short, under that heading is "LGB Alliance aims to
26 carry out its purposes by:", and then below that, there's a series of bullet point,
27 headed sections if you like. And if we go on to the next page, it's the last of the
28 bullet points. It's providing, if you, if you see it, "A helpline to offer advice and
29 support to LGB people with the help of, with the aim of helping them to overcome
30 disadvantage and to provide information to the general public". And although the
31 primary reference is general, the particular focus referred to in this document is, is
32 young people. You'll see that the next paragraph towards the end, "LGB Alliance
33 recognises the particular support required by young"-

34 A. Sorry, I'm not, I'm...

1 Q. I'm sorry, I'm taking it too fast.

2 A. Sorry. No, I just, I just kind of lost my place there in terms of, this is page 943?

3 Q. 943.

4 A. Yes. And which paragraph please?

5 Q. So the last bullet point, did you see that, providing a helpline to offer etc.?

6 A. Oh, I see. Sorry, I couldn't see the, I did, I missed the bullet points. Yes. Got it.

7 Q. Yes, they're quite small.

8 A. Yes. Yes.

9 Q. And so I read out that first sentence.

10 [Crosstalk]

11 Q. And then there's a, there's a chunkier paragraph follows the last sentence in that.

12 A. Yes. Yes.

13 Q. Was "LGB Alliance recognises the particular support required by young LGB

14 people"? Yes?

15 A. Yes.

16 Q. And there's also something about we will also offer information to parents, friends

17 and other interested parties?

18 A. Mm-hmm.

19 Q. So that's, that's March 2020. Now, moving on, the board, this is the second

20 sentence of the last paragraph, "The board will be responsible for ensuring that

21 volunteers have received appropriate training from supervisory staff and intends

22 that this will be provided by individuals for an organisation experience of running a

23 similar helpline, such as Childline, or the Samaritans"?

24 A. Yes.

25 Q. And obviously, those are nationally known and highly regarded charities?

26 A. Yes.

27 Q. And are you able to say from your own knowledge, whether there were specific

28 discussions with them at the time or whether that was a-

29 [Crosstalk]

30 A. Well, actually, I was at the first planning meeting for the help line because it's so

31 critical to our objectives.

32 Q. So prior to your involvement as a director?

33 A. Sorry?

34 Q. Prior to your involvement as a director?

1 A. No, this-

2 Q. This is, this is March 2020.

3 A. Well March 2020, this was written, but I was involved, I sat in on the first planning

4 meeting.

5 [Crosstalk]

6 A. So yes, the first planning meeting wasn't till this, and I hadn't seen it, wasn't till...

7 It was probably one of the first things I did so maybe, maybe the summer of,

8 autumn of last year or something?

9 Q. So apologies if, if my question wasn't clear. I was-

10 A. Sorry.

11 Q. -focusing on whether you were able to say from your, your own knowledge,

12 whether there was specific discussions underway with either of those institutions in

13 March 2020?

14 A. I don't know. I wasn't there, sorry.

15 Q. And, again, you may not be able to answer my next question then, which was to go

16 through to page 944 in bundle two. There's reference to the helpline allowing LGB

17 callers to discuss topics which they're confused about and the issues they're facing.

18 And this is confused or vulnerable youngsters, is, if you can't comment on the

19 document-

20 [Crosstalk]

21 A. No, I tell you, just in terms of my real-life experience with the Alliance. We... The

22 people, the volunteers like Bev Jackson, now Kate Barker, in particular, they take,

23 they spend about an hour and a half every day, answering messages from people

24 wanting help. And there's a whole range of, it's either young, it can be young

25 people saying their difficulties are coming out university or school or whatever.

26 And parents asking advice about what they do if their child's gay, and they don't

27 know where to turn to know. And so we saw this, or the need for advice for these

28 people that are phoning us, not phoning us, messaging us, and that's, so it

29 confirmed their original plan and objective to have a phone line, because they need

30 in fact, I spoke to Bev about this the other day, she started to get messages from

31 people the day after the LGB Alliance was, was launched. And the first messages

32 were all about, "So glad you're here, we need this, we need something, we need, we

33 need you", and later on it became people messaging saying, asking for help and

34 various ways. So, so there is, we inferred from that there is a real demand for, for

1 us to be doing this. And it's appreciated.

2 Q. And, can I ask you within bundle 2.4 to look at page 3904?

3 A. Sorry, which?

4 Q. 2.4.

5 A. 2.4. Thank you, I'll just put this away. Sorry, what was a page number?

6 Q. Yes, 3904.

7 **Pause.**

8 A. Yes, I've got it. Thank you.

9 Q. So think this is where we catch up with-

10 A. Yes.

11 Q. -what you were telling me a few minutes ago?

12 A. Yes. Yes.

13 Q. So, so just to pick up the thread again, there, you said you were in, at the first

14 meeting?

15 A. I think it was a first meeting, yes.

16 [Crosstalk]

17 A. Well, actually, when I say the first meeting, I'm sure the organisation would have

18 had lots of meetings about it, but this was a very formal meeting, where we had

19 people there from, I think James Esses was there, who was, was, was a Childline

20 employee, so we were taking, it was an expert group as well as us, to start advising

21 on things like what would be the age-appropriate level to start? You know, would

22 it be from 13 on or 18 on? So we had to really work out the very basis of what this

23 helpline would, how the structure of it would help. So that was, that was the one I

24 was at but maybe I, I wouldn't, I'm sure that we'll have meetings before about

25 helpline, but this was the first formal one and I assume that was the beginning of

26 the project proper.

27 Q. And just looking at the top of that page, it says "Safeguarding procedures will be

28 set up and monitored by strategic partners, Safe School Alliance confirmed and

29 Samaritans TBC", are you able to say why Childline isn't mentioned there, does

30 that?

31 A. I don't know. I'm sorry. I don't know. I don't know if they were contacted. But

32 again, you know, we've got a big reputational hill to climb because we were

33 labelled a hate group from the start. So we've got to persuade every, we've got to

34 change that narrative so that people will work with us and help us do these things.

1 Q. And where it says “Samaritans TBC”, does that mean you were in contact with
2 them either personally or as an organisation?

3 A. I do not know. I'm sorry.

4 Q. You can't say? And you'd obviously been in contact with Safe Schools Alliance
5 already, is that correct?

6 A. Yes. I think we've worked with them quite a lot actually.

7 Q. I, I had a list, a look at whether they're listed on Companies House or on the
8 Charity Commission website. Their website says they're simply a grassroots
9 organisation. Can you explain a bit more about them?

10 A. I really, I haven't personally worked with them, I think I might have met, at that
11 meeting, in fact, some of the, the people who are involved in it, mostly older
12 women. But I don't know anything about their constitution as a, I, they just have,
13 they share our concerns about material used in schools.

14 Q. I've got to say, I haven't got a piece of paper to show you.

15 A. Yes.

16 Q. But on their website, I found a call upon the DfE to remove the requirement to
17 teach gender identity from the primary curriculum, that would fit with your
18 understanding?

19 A. Of what they're, what they're about, yes.

20 Q. Of what they're about. And I think again, we don't need to turn it up, but I think
21 one of, one of their representatives was on the panel on that flyer we saw at page
22 1005. For the “Erasing the gay, is gender identity child abuse or child conversion”,
23 wasn't it?

24 A. I can't remember. But I think there was someone there. Yes.

25 Q. We can have a look at it, if you want to?

26 A. Yes, no, I wouldn't, I would not, I'm sure that's right.

27 Q. And in terms of the, the scoping of the project, and the sorts of people who will be
28 involved in running a helpline, etc. their views etc. is that the sort of stuff that
29 you've gone into in detail, or is that too early?

30 A. Sorry, just list it, what kind of things?

31 Q. I've run a few things together.

32 A. Yes.

33 Q. I tell you what, before, before I do that, let me go back to... The...

34 **Pause.**

1 Q. The, yes, that page, just right at the top “Helpline provides support for LGB young
2 people when none exists today”. So if you, if you like, the idea, there is a gap?

3 A. Yes.

4 Q. That you seek to fill?

5 A. Yes.

6 Q. So, so what I was just going on to, is to see to what extent you'd scoped the sort of
7 people who will be volunteers, what they'd be able to say, what the training would
8 be?

9 A. I, I couldn't tell you, I know that the discussion was, the early days, all about that,
10 how do we train people? Who would, who would we get to do it? How would we
11 fund it? Whether it be London or regional? What's the age range? So that was the
12 kind of high-level if you like, sorry, that was a high-level discussion about what
13 this helpline would do. But we, we definitely identified that there's a real, a real
14 need for it. So we've, we're working towards launching it, and we've got the grant,
15 thank goodness from the lottery to do the scoping.

16 Q. But you, but you haven't got as far as the sorts of conversations you'd have with the
17 vulnerable young caller or anything like that?

18 A. Oh, I'm sure they have. I mean-

19 [Crosstalk]

20 Q. But you're not able to?

21 A. I'm, I mean, I went along, because I was very interested but I don't think chairs of
22 boards necessarily do that. I mean, I think I'm very, very involved and I need to be
23 and want to be but there are limits to, I'm sure they've had these discussions. And
24 certainly, before we launch anything, as a board of trustees, we would be absolutely
25 ensuring every safeguarding, training, risk management was undertaken. So it
26 would be, and that's why it's, it's going to take a while, but we've got the money to
27 start it. But it's a very, very serious obligation to these people. So the board would
28 been involved in sending it off.

29 Q. And so, and so the scoping grant was in March this year, wasn't it?

30 A. I think-

31 Q. I can show you the page-

32 A. -so, that was the lottery.

33 Q. Yes. It's three, 3906.

34 A. Okay.

1 Q. This bundle, just afterwards. Certainly, I've taken it from your statement, that that's
2 what this money refers to. Because it, it's not very helpfully explained otherwise.

3 A. Sorry.

4 Q. Can you see the, the email there?

5 A. Yes. "Hello, Karen". Yes.

6 Q. And in particular, with that, "And we want to give LGB advice scoping project,
7 £9,000 to help your community thrive"?

8 A. Yes.

9 Q. So that, that appears to be...

10 A. From the lottery?

11 Q. That appears to be the, the detail of when you got that funding. Is that right?

12 A. Yes.

13 Q. And then according to your second statement, you're working hard to fully scope
14 the project?

15 A. Yes.

16 Q. But, again, the bottom line is two and a half years after it was mentioned in the
17 application to the Charity Commission, it's still at that preliminary stage, isn't it?

18 A. I think it's... I think that's completely understandable. It's been a, it's been a
19 priority. And we've got the funding to start it, but it's a very big project. I wouldn't,
20 if you're asking me to apologise because it's taken so long, I don't feel, I think
21 they've made great strides in what they've been doing to get this up and running.

22 Q. I mean it's, I'm putting it to you as a statement of fact.

23 A. Sorry.

24 Q. And, obviously, £9,000 in the context of the figure quoted on page 3904, is a drop
25 in the ocean, isn't it? The figure on that page?

26 A. Well, that's because it's-

27 Q. It's over £300,000.

28 A. -it's a scoping. Yes, I know. And that's why, that's a very reasonable grant for
29 scoping the project. Because that's, I mean obviously the difference between
30 actually running a, a helpline and looking into it and doing all the work to, to go
31 further through the lottery to get the next. So we'd have to, this is, this is for us to
32 get, scope it, get it ready, so that we then go back to the lottery to ask for the 250 to
33 £300,000 to actually do it. So that works got to be thorough, but it's not massively
34 expensive work. It's, it's just, it's got to be done thoroughly and that's what the

1 9,000 is for. But I think that's perfectly normal.

2 MR GIBBON: Madam, this might be a moment for the witness to have a break, bearing in
3 mind the warmth and the...

4 JUDGE GRIFFIN: Yes, certainly.

5 MR GIBBON: Length of the afternoon.

6 JUDGE GRIFFIN: It is nine minutes past three, we will come back at 25 past? 25 past.

7 **Court rises.**

8 **Court resumes.**

9 WITNESS EVIDENCE OF MISS GALLAGHER (Cont'd.)

10 Cross-Examination by MR GIBBON (Cont'd.)

11 Q. Miss Gallagher, this may, in fact, proved to be the last question from, from me, at
12 least. When the application was being made to put in the further witness statement,
13 it was emphasised that it was, in order to make it as complete as possible, your
14 evidence as complete as possible, and so it's right to say there's nothing further by
15 way of developments on the issues in your first statement that, that need to be
16 brought in. Is that right?

17 A. I don't think so. For my first statement, and then this.

18 Q. So, so the second statement was to supplement the first statement?

19 A. Yes.

20 Q. To the extent that there were things to supplement it, but there's nothing else?

21 A. I don't think so. No.

22 Q. Then Miss, Miss Gallagher, that's, that's my last question then, and others may have
23 questions.

24 A. Thank you very much.

25 JUDGE GRIFFIN: Thank you. Mr Steele?

26 MR STEELE: Madam, no.

27 JUDGE GRIFFIN: All right. Thank you very much.

28 MS MONAGHAN: No, thank you, Madam.

29 JUDGE GRIFFIN: And no re-examination. I do have something I would like to explore
30 with you?

31 A. Yes.

32 Questioned by JUDGE GRIFFIN

33 Q. As chair, can you help us to understand a little better the structure of governance?

34 A. Yes.

1 Q. For the charity?

2 A. Yes. We have a board of six, six trustees, I'm the chair of the board. The other, I, I
3 kind of think of them as execs and non-exec, if you like. The non-exec, who don't
4 get involved in management, are Lord Tony Young, who's a Tory, Labour peer, a
5 trade unionist. And we've got Rob Wintemute, I don't know how to pronounce it
6 either, Rob Wintemute who's an academic. No, he's a, he's an international lawyer,
7 specialising in human rights. And we have Conrad Roberts, who is, he's, he's a
8 management consultant and helps us get the management structure right. So I think
9 that's a pretty good balance, I think. And also on the board is Bev, Bev Jackson,
10 and Kate Harris, and our managing director, Kate Barker, isn't a trustee, but she
11 comes to the board to update on. We also have monthly meetings, the meetings are
12 at least two hours. We don't take any Christmas or summer breaks. We're very
13 hands on, I think, are the board. And beneath the board is now the managing
14 director, Kate Barker, who organises a couple of management meetings a week. So
15 I think there's one on a Tuesday and one on a Friday. And she, so I speak with
16 Kate, well, recently, it's been every day, but I always make sure we speak about two
17 or three times a week, so that the contact between the, if you like the management
18 and the board, I think is exceptionally strong. Is there anything else I've missed
19 there?

20 Q. No, the trustees are all directors of the company, are they?

21 A. Yes.

22 **Pause.**

23 Q. I do not think I have got enough questions. All right. Thank you very much
24 indeed. Is there anything arising out of those questions that I asked?

25 MR GIBBON: I may have misheard as to Tony Young, but I thought I had Tory stroke
26 Labour peer?

27 A. No, sorry, no, I, Tony, Tony Young, Anthony Young. He's a Labour peer.

28 MR GIBBON: That, that-

29 A. Sorry, I think I may have actually said Tory in my head, I don't know, but he's a
30 Labour peer, to be fair.

31 MR GIBBON: That was my question.

32 JUDGE GRIFFIN: Thank you very much.

33 A. Thank you very much.

34 JUDGE GRIFFIN: Miss Gallagher, thank you very much for your evidence. And you are

1 free to go or to remain.

2 A. Thank you very much.

3 JUDGE GRIFFIN: As you wish.

4 A. Thank you.

5 **Miss Gallagher is released.**

6 JUDGE GRIFFIN: And I think that completes the evidence, does it not? Right, well it is
7 half past three. And Judge Neville and I do not think that it is wise to start
8 submissions at this time in the afternoon, that is for sure. In terms of time
9 estimates, I think you are all confident that we cannot finish them tomorrow, by the
10 sounds of it.

11 MR GIBBON: I, I consider that that's impossible, yes, to do it, in the circumstances of this
12 case, to the quality that the Tribunal would expect, the detail that would be
13 expected.

14 JUDGE GRIFFIN: Right. Miss Monaghan, you do not have a microphone, so you might
15 want to reach for that one before, keep that one there, Mr Loveday, otherwise, we
16 will be back and forth. So, is there anything you would like to say? What is your
17 view about it can be properly completed tomorrow.

18 MS MONAGHAN: Madam, I think realistically, they can't be completed tomorrow,
19 regrettably. And I say that because of the amount of time that Mr Gibbon requires,
20 and that is without criticism, that's a fair estimate he's given, and Mr Gibbon takes
21 the view, that it would not be appropriate to guillotine, or truncate, because he
22 needs that time to properly put his clients' case, and I make no observations about
23 that, of course, no criticism. My clients are extraordinarily concerned, because
24 they're, they are a tiny nascent charity, and as you've already heard, phenomenal
25 resources have been put into this case, personnel wise, and in terms of fundraising.
26 So if, if, if this Tribunal were minded to adjourn for submissions, personally, I don't
27 myself, obviously subject to the Tribunal thinking it would be helpful to start
28 submissions, and then go part-heard until November, but if you, the Tribunal, were
29 minded to adjourn for submissions, I would invite the parties to consider carefully
30 whether we need three days, two days was always the allocated time, and it does
31 seem to me, with detailed written submissions, three days is, is really a very
32 significant overestimate. And at least one could go away with the confidence that
33 the two days that were originally allocated, is all that is now going to be required.
34 And so the consequential funding considerations as well as personnel

1 considerations are, are less dramatic and less worrying.

2 JUDGE GRIFFIN: We have already got skeleton arguments from each of you. And they
3 are obviously very helpful. In terms of any written submissions or speaking note,
4 do you think that that might reduce the time to two days rather than three? Or do
5 you think that will just add to the burden in effect?

6 MR GIBBON: On, on past experience, Madam, and this is without instructions, they, they
7 can often sound as if they ought to be helpful, and they prove not to be because they
8 generate a lot of further paperwork, which may be duplicative. And actually, what
9 is needed is the interchange, most of all between counsel and the Bench, and
10 counsel and each other. So I'd say, it's simply a matter of experience, I haven't
11 great confidence that it assists the Tribunal greatly and it certainly does add
12 significantly to cost in time and in preparation. So if the Tribunal were asking for
13 particular things, and obviously, counsel would seek to assist, but I say that, as I
14 say, frankly, based on experience, that it, certainly in the context as Miss Monaghan
15 has said, of you having detailed written papers already.

16 JUDGE GRIFFIN: And would, would it be your intention to use what we have already as
17 your, your route map, if I can call it that?

18 MR GIBBON: Yes. And to a significant degree. I mean, there, there can be cases where
19 a further piece of paper saying we ask you to make the following factual findings
20 can be useful. That's perhaps less straightforward in this case, because the facts
21 have to be tied in with the, with the law so much, but if, if the Tribunal considered
22 that would be useful, certainly, that's something, speaking personally that we could,
23 we could assist with, and I'm looking to Miss Monaghan now, to see if she might-

24 [Crosstalk]

25 MS MONAGHAN: Well I, I'm entirely in your hands. I'm not, I mean, I have done that
26 before. But on a case like this, I'm not sure setting out the findings of fact, that we
27 would invite you to make, would be terribly time saving, but I, I'm, whatever would
28 be most convenient for the Tribunal, then, and if a speaking note would be
29 convenient, I would certainly be happy to do a speaking note. And it seems to me
30 that that sometimes can help, not least because the Tribunal aren't typing and we're
31 going at a different speed. And I would be, that would seem to me to be something
32 that would be useful, and it will have the page references in, so it would be easier to
33 reflect back on, but I, I would be content to do anything that would keep it to two
34 days.

1 JUDGE NEVILLE: What can, what can sometimes take time of course, is not necessarily
2 facts but evidence or arguments about what was said.

3 MS MONAGHAN: Yes.

4 JUDGE NEVILLE: So I would not like the time to be taken on that and I appreciate it
5 replaces one cost with another, but the parties could think about whether a
6 transcript or agreed note at least of evidence might be helpful, not least for cross-
7 referencing.

8 MS MONAGHAN: Yes, that, that, I hadn't thought of that.

9 JUDGE NEVILLE: It is, it is not something we would order but it is available according
10 to our normal Practice Direction. So it is something the parties might wish to look
11 at.

12 MS MONAGHAN: So certainly we've, we've, we've, I, we've both got solicitors behind
13 us, so I'm sure there will be a pretty good note. So that, that is something certainly
14 that I would, seems to me to be, if I may say so, a helpful way that might be able to
15 save time.

16 MR GIBBON: Certainly with the, the Bench's indication they're content it's, it's
17 appropriate, because I know it's ultimately in the, in the Bench's gift. That, that
18 may assist and certainly trying to agree notes between the parties may take more
19 time and effort than simply getting the transcript sorted if, if-

20 MS MONAGHAN: Oh I see, you're talking about actually getting... Sorry, I mean, I'm
21 having a conversation now, I'd understood Judge Neville to be suggesting that we
22 did an agreed note.

23 JUDGE NEVILLE: I suggested both.

24 [Crosstalk]

25 JUDGE NEVILLE: -yes of course, there is a financial consequence to it.

26 MS MONAGHAN: Yes, I mean, I think the issue with the transcript would simply be how
27 much does it cost?

28 JUDGE NEVILLE: And I simply it for you to explore that.

29 MS MONAGHAN: Yes. And perhaps we could have a discussion about that.

30 JUDGE GRIFFIN: I have made enquiries with the facilities team here and it would appear
31 that we could be accommodated in this building, but not necessarily in this room.
32 So the other thing that I would like to explore, before Judge Neville and I have a
33 brief discussion outside, is whether you all feel or have any submissions about
34 whether we should have the next part of the hearing in person, or whether it can be

1 properly conducted over CVP?

2 MS MONAGHAN: May I just take instructions? Thank you.

3 **Pause.**

4 MS MONAGHAN: We're certainly content with CVP, Madam, and we would only ask
5 that participants can view from outside the UK, in the case of identified people, two
6 of my clients live outside the UK, Miss Harris, and, and Miss Jackson, Amsterdam
7 and France. So in fact, I was going to in, ask the Tribunal in any event, if they
8 could join remotely. But if, if, if that were, if permission for that were granted, then
9 we seem, we think CVP would be...

10 JUDGE GRIFFIN: One would have to revisit the Lord Chief Justice's guidance on
11 viewing outside the United Kingdom, but we can certainly consider that.

12 MS MONAGHAN: Thank you.

13 MR GIBBON: I will say straightaway, my personal preference, and it's only a personal
14 preference as an advocate is in person, based on the experience of recent years. My
15 instructions are separately a preference for in person, but there's no, there's no
16 fundamental obstacle to it being done by CVP. And so it seems to me it's a matter
17 for the Tribunal ultimately. And whereas with witnesses, it's certainly strongly
18 preferable to have them in person, it's, it's less obvious that there's a difficulty
19 where counsel and the judges are remote. So without having a chance for a more
20 detailed conversation with those behind me, I hope that's, that's a useful general
21 indication.

22 JUDGE GRIFFIN: No, that is, that is helpful. Mr Steele, did you have anything?

23 MR STEELE: Well, only to say that I share that personal preference, I'm sure, it could be
24 done. I mean experience during the Covid period is that we can do quite a lot via
25 CVP by way of submissions, but I would suggest that it's preferable for us all to be
26 in the room, if it's possible to do, and certainly like the indication was [inaudible].

27 JUDGE GRIFFIN: I have an indication that it is a physical space.

28 [Crosstalk]

29 JUDGE GRIFFIN: It might be a smaller physical space than this.

30 MR STEELE: Yes. But it could be the case that we have a smaller cohort of people in the
31 room, and more joining by CVP link, that might be the best way.

32 JUDGE GRIFFIN: All right. Was there anything else that anybody would like to raise in
33 terms of logistics? And what we will do then is right for a few minutes, just to
34 think about how we would like to proceed? So in terms of any directions, if you

1 want to just take a moment?

2 MS MONAGHAN: Not from our side? I mean, as I've indicated, we're con, content to be
3 directed, so to speak, but we don't have any particular requests.

4 MR GIBBON: I'm in the same position.

5 JUDGE GRIFFIN: Right, thank you.

6 JUDGE NEVILLE: Sorry, can I just want to ask one question? The observation outside
7 the UK, was it the Netherlands?

8 MS MONAGHAN: Yes.

9 JUDGE NEVILLE: Enquiries we make, may depend on the country concerned, so...

10 MR GIBBON: And France.

11 JUDGE GRIFFIN: And France.

12 JUDGE NEVILLE: Right, okay.

13 **Background discussions.**

14 JUDGE GRIFFIN: And I will check the direction, Lord Chief's, the practice-
15 [Crosstalk]

16 MS MONAGHAN: -guidance.

17 JUDGE GRIFFIN: The Practice Direction. Thank you. Sorry. There is an awful lot of
18 material which we were directed to in that regard, which is very helpful. So well,
19 we will take a few minutes just to think about how we would like to proceed from
20 this moment. You will have at least 10 minutes to stretch your legs.

21 MS MONAGHAN: Thank you.

22 **Court rises.**

23 **Court resumes.**

24 JUDGE GRIFFIN: Right, thank you everybody, having reflected, Judge Neville and I
25 think that we should be able to hear submissions within two days. But what we
26 propose is that we will hear the submissions in person and that will help us to, to
27 focus well on the issues that are of most concern to the Tribunal and the parties.
28 And we will also indicate that we will sit at half past nine, to extend the day.

29 MS MONAGHAN: Thank you.

30 JUDGE GRIFFIN: We would ask the parties to agree the division of time between you, in
31 those two days obviously, refer to us if there are any disputes, but you have already
32 had conversations about who needs to what amount of time in any event. And if
33 you could factor in short breaks, morning and afternoon, for everybody's benefit,
34 especially as we do not know what size of room we will have or the facilities that

1 will be available in there to us. I am sure the facilities team will do the best they
2 can for us, but we simply do not know. And some rooms, I am afraid in this
3 building are even hotter than this one. So, so that is what we think. In terms of any
4 other directions between now and then, we can indicate that we would be assisted
5 by an agreed note of the evidence or a transcript if that is what the parties choose,
6 we make no direction in that regard. And again, we made no direction but would
7 be assisted by speaking notes, which need not be provided until the, the day. So I
8 know you will all be preparing what you have to say, and it might be that you can
9 combine the two activities are but again, we make no direction, we will leave it up,
10 entirely up to you. We do not think we need to make any other directions unless
11 the parties seek any. We have revisited the practice guidance and the rules that a,
12 and that is in terms of what we have to consider over board, if I could ask those
13 who instruct you to simply drop a line to the Tribunal in that regard and we will
14 deal with this on paper. Mr Gibbon?

15 MR GIBBON: Two points arising if I may, one is just for clarification that the normal
16 Tribunal day finishes at 4.30, should we work on the basis that 4.30 is the end of
17 the day, or?

18 JUDGE GRIFFIN: Yes, absolutely. A convenient moment between four and 4.30.

19 MR GIBBON: Right. So some flexibility there.

20 JUDGE GRIFFIN: Some flexibility there, but yes, we will sit until 430. And if it tips over
21 a few minutes, we will sit a few minutes over.

22 MR GIBBON: And Madam, thank you. And then the second was in relation to speaking
23 notes. The, there, I think can be a variety of views about how long speaking notes
24 are from the verbatim route to the very brief, if you wanted, or if you were able to
25 give any, very, outlined description of what you would prefer, but if you'd prefer
26 not to give such an indication and leave it to the counsel, we would fully
27 understand?

28 JUDGE GRIFFIN: I think everybody has their own view. My personal view is a skeleton
29 argument should be brief, skeletal, and a speaking note would be much the same.
30 But it might be that Judge Neville would be assisted by a fuller note.

31 JUDGE NEVILLE: It is, I think a speaking note is something you can follow when
32 someone is speaking. So rather than sitting there for an hour beforehand reading it,
33 so yes, brevity is best.

34 MS MONAGHAN: There is just one other matter. We were talking about accessing

1 through CVP, I'm asked to confirm that the arrangements will be the same, in other
2 words that members of the public can view through CVP as well?

3 JUDGE GRIFFIN: We have got no plans to change that. Currently we will be speaking to
4 our team to check, but at the moment I, I would be working towards being able to
5 provide that on the next occasion, but obviously, we have to consider the resources
6 put into it. But as I say our current plan is that that will be available.

7 MS MONAGHAN: Thank you.

8 MR STEELE: I just wanted to check what dates the Tribunal have in mind?

9 JUDGE GRIFFIN: The 7th.

10 MR STEELE: It will be the 7th.

11 JUDGE GRIFFIN: Yes, so the two days starting the 7th. So the Monday and Tuesday.

12 MR STEELE: So one of them can be, I think it's [inaudible] evidence has closed but just
13 for indication that there will no further evidence [inaudible].

14 JUDGE GRIFFIN: I can make that absolutely explicit. No further evidence, please, from
15 any party.

16 **Pause.**

17 JUDGE GRIFFIN: Is there anything else?

18 MR STEELE: No, I'm very grateful, Madam.

19 JUDGE GRIFFIN: Mr Gibbon?

20 MR GIBBON: No, Madam.

21 JUDGE GRIFFIN: No, Mr Monaghan, Miss Monaghan?

22 MS MONAGHAN: No, thank you.

23 JUDGE GRIFFIN: No. Well, thank you all for your assistance over the course of the past
24 week. We will rise now and let you clear up. Thank you. We will see you in
25 November.

26 **Court rises.**

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