



*meeting*  
... *the NEEDS of* ...  
**TRANSGENDER**  
..... *young* .....  
**PEOPLE**

*guidance for schools in Scotland*

**LGBT Youth Scotland** is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender (LGBT) people in Scotland. The charity's mission is to:

'empower lesbian, gay, bisexual, transgender and intersex young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community'.

**Scottish Trans** assists transgender people, service providers, employers and equality organisations to engage together to improve gender identity and gender reassignment equality, rights and inclusion in Scotland. We strive for everyone in Scotland to be safe and valued whatever their gender identity and gender reassignment status, and to have full freedom in their gender expression.



MESSAGE FROM FERGUS McMILLAN

MESSAGE FROM JAMES MORTON

## Transgender young people's experience of school<sup>1</sup>

A study of young people showed that:

- 77% of transgender young people experienced homophobic, biphobic or transphobic bullying in school
- 37% of transgender young people had left education as a result of homophobia, biphobia or transphobia in the learning environment, compared to 10% of LGBT respondents
- 88% of those who had experienced transphobic bullying believed that it had negatively impacted on their education
- 51.8% of transgender young people thought that homophobia, biphobia or transphobia has affected their employment opportunities
- LGBT young people were more likely to be confident about reporting homophobia and biphobia than transphobia

## Transgender young people and mental health

67% of transgender young people consider themselves to have mental health issues

The Scottish Association for Mental Health estimates that one in four people in Scotland will have mental health problems at some point in their lifetime. LGBT young people are at a higher risk of experiencing mental health problems than other young people as a result of:

- Prejudice and discrimination resulting from sexual orientation or gender identity
- Negative responses and rejection (feared or experienced) from colleagues, friends, family and services
- Pressure to conform to gendered norms and expectations of heterosexuality
- Not coming out as a result of these pressures and fear of experiencing homophobia, biphobia or transphobia

### YOUNG PEOPLE'S QUOTES AND CASE STUDIES

1. Lough Dennell and Logan, Life in Scotland for LGBT Young People: Education. LGBT Youth Scotland (2012)

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# INTRODUCTION

## ABOUT THIS GUIDANCE

This guidance aims to help primary and secondary education staff in Scotland support transgender children and young people<sup>2</sup>.

It is based on the experiences of transgender young people; good practice approaches suggested by young people, teachers, youth workers and others; and professional standards for teachers.

It is a general guide to supporting transgender young people. It is comprehensive but not exhaustive – young people are individuals and everyone has different needs. If you need more information or advice to support a young person, please contact us.

## WHAT IT CONTAINS

The guidance covers:

- Language: information about gender, being transgender and the transgender community
- Issues affecting transgender young people: discrimination and barriers
- Whole school considerations: guidelines for meeting the needs of transgender young people and creating an environment which includes them
- Legislation and policy: context for to creating a safe and supportive educational environment
- Materials and sources of information

## LANGUAGE USED

The guidance uses the terms 'transgender' and 'trans' as equivalent umbrella terms for those whose gender identity or expression differs in some way from the sex assigned to them at birth. Young people and their families may prefer to use other terms.

Note: some young people do not identify with the term 'transgender' including some young people with non-binary gender identities. This guidance aims to help teachers and other education staff support any young person whose gender identity or expression differs in some way from expectations placed upon them by the sex assigned to them at birth, regardless of how they identify themselves.

There is more about language on page 11 and a glossary online at xxxx to help teachers understand any unfamiliar terms.

2. We use 'young people' in the rest of the guidance to mean children or young people who are of school age.

## PRINCIPLES

Transgender young people may need your support to be successful learners, confident individuals, effective contributors and responsible citizens, consistent with the Curriculum for Excellence. The following principles are based on a good practice approach to supporting transgender young people individually and within a whole-school approach:

- Transgender young people should be protected from discrimination, harm and abuse
- Expressing gender is a healthy part of growing up. It is unethical, and could be harmful, to force a young person to express their gender in a particular way
- If a transgender young person needs support, they should get this as soon as possible and at a pace which is right for them. Delaying a young person's right to live in, or express, their gender identity can severely affect their mental health and wellbeing
- Being transgender is one aspect of a young person's life; they may have other support needs
- It is important that teachers and education staff listen to what transgender young people say, and hear and understand their wishes
- Transgender young people should be involved in all decisions affecting them, and understand any action which is taken and why
- Wherever possible, staff should respect a transgender young person's right to privacy. Being transgender is not a child protection issue. Professionals should not share information about a young person's gender identity or transition without consent (see also 'confidentiality and information sharing' on page 24)
- School leaders should be ready to discuss transgender inclusion and address any negative views of staff, parents and others
- Teachers should be able to send positive messages to all learners about transgender identities and include information in the curriculum

## GENERAL APPROACH

Most teachers will know how to support transgender young people, as they would any other young people. But there may be some aspects which teachers are less certain about. So, some tips for responding to a young person who talks to you about being transgender or who asks questions about their gender identity include:

- Don't panic: they don't expect you to be an expert, just to listen
- Say 'thank you': the fact that they have trusted you enough to speak to you is a privilege
- Ask what support you can give: listen to what they say, and repeat back to check you've understood correctly. Don't agree to anything you're not sure of. It is fine to say, 'I don't know, I'll have to check that'
- Ask what name and pronoun you should use to address them. Check if that's all the time or in certain circumstances
- If what the young person tells you involves other people, ask if you can share the information
- Arrange a time to meet up again soon and no more than a week later, to check in and see how they are doing
- Check if there's anything else they want to talk about
- Make it clear that you want to support them and that they can come to you any time
- Keep an eye on things, and follow up with the young person if necessary



## THIRD PARTY DISCLOSURES

If a third party has shared information about a young person with you, you may want to arrange a meeting with the young person. A good practice approach is to:

- Offer them the opportunity to speak
- Ask them what gender they identify with
- Follow the points above

## INVOLVING OTHERS

Note that being transgender is not, in itself, a child protection issue (see more on child protection on page 24).

If a teacher needs advice or support for themselves or for the young person, they may need to speak to the school management team, the local authority or other agencies. This should be in consultation with the young person.

- In school, you should only share information about a young person with their knowledge and if there is a genuine need
- You can identify a young person to outside agencies if the young person has asked you to do so
- If they have asked you not to share their personal details, but you need general advice, you can speak to other agencies without disclosing any details that would identify a young person

## RESPONDING TO THE CHALLENGES

Sometimes, for some teachers, supporting young people who are transgender seems challenging. It is always helpful to remember the young person at the centre. If a teacher needs advice and support, they could speak to a colleague with experience in these matters, and find ways around the challenges.

For example, if a young person comes out as trans to a teacher who doesn't agree with people being transgender, the teacher could say: 'Thank you for telling me. I'm not the best person to deal with this, but I know who is. Let's go and see them together'. The teacher can then take the young person to whoever is best able to support them. This is respectful, inclusive, non-judgemental and professional.

Similarly, if a teacher tells their head teacher that they are uncomfortable teaching about transgender identities, the head teacher could make a reasonable adjustment to accommodate them, for example by asking another teacher to take the lesson.

## PROFESSIONAL VALUES AND STANDARDS

The professional values and standards which guide teachers in all their work with young people are helpful when thinking about how best to support transgender young people. Teachers are not expected to be experts, and have answers at their fingertips. What matters most is a respectful and inclusive approach based on the above principles and the expectations of the General Teaching Council (GTC) Scotland, including its Standards for Registration: <http://www.gtcs.org.uk/professional-standards/the-standards/standards-for-registration.aspx>

The Code and Professionalism and Practice (COPAC) which accompanies the standards expects teachers to:

'treat sensitive, personal information about pupils with respect... (and) should aim to be a positive role model to pupils and motivate and inspire them to realise their full potential'



GTC Scotland is committed to promoting equality and diversity within schools. It expects all teachers to be positive role models to all young people in showing respect to transgender young people, and also to help pupils understand different views, perspectives and experiences: <http://www.gtcs.org.uk/web/FILES/teacher-regulation/copac-0412.pdf>

If you have questions you can contact [gtcs@gtcs.org.uk](mailto:gtcs@gtcs.org.uk)

## TRADE UNIONS

All main teaching unions are committed to promoting equality and respecting diversity. Some may have equality representatives who support teachers to ensure equality and diversity in the workplace. Unions can give teachers support and advice about working with transgender young people, and about challenging discrimination in the workplace.

## A NOTE FOR PRIMARY SCHOOLS

While it is rare for a young person to identify as transgender in primary school, it is happening more and more. Primary schools are expected to be able to meet the needs of these young people and to ensure they have a safe, inclusive and respectful environment in which to learn.

Many children behave in ways which do not conform to gender stereotypes. They may experience transphobic bullying as a result. Teachers should deal with this accordingly.

It can be hard to predict how a young child will express themselves as they mature. It is important not to pressurise any child to identify or behave in any particular way. The best approach is to be flexible and non-judgemental, and enable the young person to explore their gender expression and identity at their own pace, as they develop.

The guidance contained in this document applies to teachers in primary and secondary school settings.

## MORE INFORMATION

If you have any questions or concerns, or want more information, please contact [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk)

# SUPPORTING TRANSGENDER YOUNG PEOPLE AT SCHOOL: STEPS FOR GOOD PRACTICE

## 1. Put the young person at the centre and keep them there

- Thank them for their courage in coming to see you
- Let them know they can come to you for support whenever they need to
- Allow them to talk about how they are feeling
- If you don't know the answer to something, say that, and offer to find out
- Let them know that you respect their privacy, and will not share their information with anyone unless they give their permission
- Ask their permission to share information with other staff, if necessary
- Share information in line with school protocols
- Find out if anyone else knows, and if they can support the young person
- Check whether or not the young person is being bullied
- Reassure them that, however they feel, it is normal
- Ask the young person how they would like you and the school to support them
- Don't delay a young person's wish to transition
- Find out about their timescale of transition
- Ask the young person if they would allow the school some time to prepare and train staff (if necessary)
- Set a date to meet again

## 2. Ensure confidentiality

- Do not disclose the name of a young person who is undergoing, or planning to undergo, transition to anyone unless the young person has consented
- If you have a child protection concern, let the young person know that you will need to follow child protection procedures. This could include sharing information about them, but this would be about safety concerns rather than their gender identity

## 3. Contact LGBT Youth Scotland

Depending on the area and staff capacity, LGBT Youth Scotland may be able to:

- Meet with the young person to support them over their gender identity
- Provide training for staff and information sessions for pupils
- Provide guidance about processes for supporting a young person's transition
- Attend meetings to advise the school about support
- Direct the young person to its chat service
- Connect parents with TransparenTsees, support network for parents of transgender young people
- Support parents (with the consent of the young person)

## 4. Contact your local authority education officer

They may:

- Provide guidance about how the school can support the young person's transition
- Provide guidance about the Equality Act 2010, school responsibilities and the rights of a transgender young person
- Attend meetings to help the school plan its support for the young person

## 5. Arrange planning meetings

- With the young person's permission, arrange a meeting to plan how the school will support transition
- Create a Child's Plan with goals, timescales for support and a record of support
- Let the young person know who will attend
- Ensure the young person has consented for any information to be shared
- Arrange a meeting with parents, if the young person is happy for this

## 6. Find out more

Good sources of information for teachers and young people are:

- LGBT Youth Scotland
- Scottish Trans

## 7. Keep in touch with the young person

- Make sure the young person knows how the school will support their transition, and that they are happy with the plans
- Check in with the young person regularly to offer support

# ABOUT LANGUAGE

## IN THIS SECTION:

### WHY LANGUAGE IS IMPORTANT

### SOME COMMON TERMS AND UNDERLYING CONCEPTS

Language is powerful. It can both include and exclude people; empower or undermine them. Knowing and understanding some of the words which transgender young people and the transgender community use, and why they do so, is helpful in many different ways. Trying to make sure that language is respectful and inclusive is central to equality and anti-discriminatory practice. When a teacher uses certain words correctly, it raises the awareness of all young people, and is reassuring for transgender young people.

This section sets out some of the concepts and language used in this guidance. There is a full glossary online at [www...](http://www...)

We are including this section because many people are unfamiliar with these terms and concepts. This is understandable, and no one expects teachers to be experts in this language.

Sometimes, people use words which mean different things interchangeably, so it's always best to check with young people which words they use and feel comfortable about.

Language is constantly evolving, and terms that might seem unfamiliar at first become common parlance.

If anyone, whether teacher, young person, parent<sup>3</sup> or other, does not understand a particular word or underlying concept, it is fine to ask. Understanding gender is difficult because it often means challenging something that we have learned and accepted as the natural order or 'just the way things are'.

## SEX AND GENDER

The terms sex and gender are often used interchangeably but they mean different things.

### Sex

Describes physical differences between bodies, and biological characteristics such as the reproductive system. Sex is typically categorised as 'male' or 'female' but 'biological sex' (our anatomy including internal and external sex organs, chromosomes and hormones) is more diverse than that. Some people are 'intersex': an umbrella term for people born with variations of sex characteristics, which do not always fit perceptions of male or female bodies.

### Gender

Describes the attitudes, feelings and behaviours which a given culture associates with a person's biological sex. The terms girl/woman, boy/man are assigned at birth on the basis of biological sex. They come with cultural expectations and 'norms' about what it means to be a girl or boy, man or woman. They can limit and oppress people's gender expression. These expectations are not innate; they are made: they vary across cultures and over time.

3. This guidance uses the term 'parent' to include anyone with parental responsibilities for a child such as carers and legal guardians.

## Gender 'norms' and 'rules'

Despite some progress, in Scotland in 2017, boys are generally expected to be unemotional, strong, attracted to girls, sporty and to conform to ideals of masculine physical attractiveness. Girls are generally expected to be compliant, nurturing, emotional, helpful, attracted to boys, gentle and to conform to ideals of feminine physical attractiveness.

Many young people find these expectations restrictive. Boys who want to play with dolls may be discouraged or even mocked; girls who want to be builders when they grow up have few role models and may be teased for being 'tomboys'.

Young people also experience peer pressure about what is seen as 'normal' for girls and boys. This pressure may not be obvious to teachers or others but can feel inescapable to young people. If you are not sure what the 'gender rules' are in your school, it is good to ask: young people are best placed to explain the gender rules and roles expected of them.

Transgender young people 'break' gender rules in some way because their gender identity does not match the sex assigned at birth, or they express their gender in a way that others do not consider 'normal'. They may be bullied because of this.

## Gender binary

Western system of two gender options: men (with all the traditional notions of masculinity) and women (with all the traditional notions of femininity).

## Gender identity

A person's deeply felt internal and individual experience of gender. This may or may not correspond with the sex assigned to them at birth.

## Gender expression

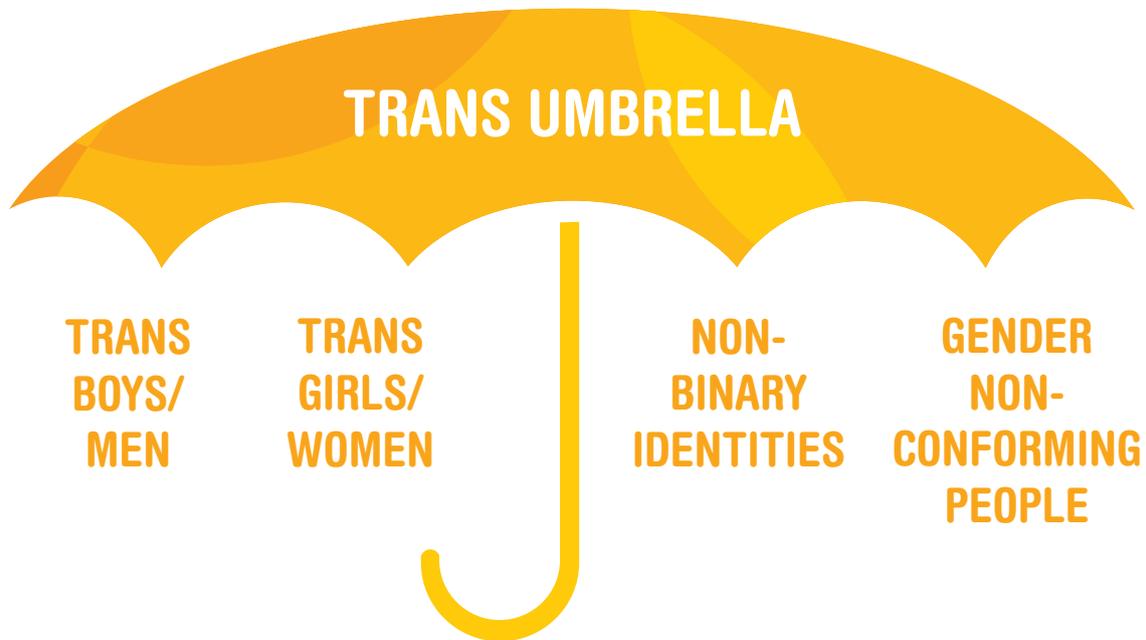
A person's gender-related external appearance including clothing, speech and mannerisms. Their appearance is often defined as 'masculine' or 'feminine', but young people may express their gender in ways which are not considered traditionally feminine or masculine.



## TRANSGENDER IDENTITIES AND TERMS

'Transgender' is an umbrella term for people whose gender identity or expression differs in some way from the sex assigned to them at birth.

The picture shows some of the most common identities which come under the 'trans umbrella'.



Teachers can show young people that they have some understanding if they use these terms. Using them correctly also validates young people's identities and experiences. It's worth remembering that:

- Many trans young people don't know them
- Their identities may be evolving
- Language is constantly evolving and new terms become more familiar the more they are used

Young people may ask a teacher for support without fully understanding their gender identity: they may be questioning their gender, or they may not want a label.

The most helpful thing to do is to ask a young person how they identify themselves; but, if they don't have an answer, there is no need to press them. They don't need a label to receive support. It is helpful if teachers are led by the young person, and allow them to explore their own definition and understanding of gender.

## Trans boys/men

People assigned 'female' at birth but who identify as boys/men. Sometimes, the term 'female-to-male' (FTM) is used to describe the direction in which someone is transitioning or wishes to transition.

A trans boy is likely to be distressed about being seen as female and/or having a female body. They are likely to assert a male gender identity consistently and persistently. The prospect of going through female puberty, especially breast growth and menstruation, is often traumatic.

This is different from a girl who some people might describe as a 'tomboy' because she enjoys rough, noisy activities traditionally associated with boys.

## Trans girls/women

People assigned 'male' at birth but who identify as girls/women. Sometimes the term 'male-to-female' (MTF) is used to describe the direction in which someone is transitioning or wishes to transition.

A trans girl is likely to be distressed about being seen as male and/or having a male body. They are likely to assert a female gender identity consistently and persistently. The prospect of going through male puberty, especially facial hair growth and voice breaking, is often traumatic.

## Non-binary people

People whose gender identity is not exclusively male or female (that is, is not one of two options).

Among young people, the words genderqueer or genderfluid are popular alternatives for non-binary.

The gender identity of a non-binary person is individual, and can be complex and multi-faceted.

Some people describe gender as a spectrum with 'male' at one end, female at the other, and non-binary in the middle. This is too simplistic:

- Some non-binary people may have a gender identity which incorporates various aspects of being a boy and being a girl
- Some non-binary people may strongly reject many or all aspects of being a boy or a girl
- Some non-binary people may find that how comfortable they feel in any gender fluctuates and that it is hard to predict how they will experience their gender from day to day
- Some non-binary people experience distress about the physical sex characteristics of their body and/or about the prospect of pubertal changes

The degree to which a non-binary person expresses femininity, masculinity and/or androgyny (combination of masculine and feminine characteristics) is very individual, so it is often not possible to tell from their appearance whether they have a non-binary gender identity. Non-binary people also vary in whether or not they wish to change their name. Many prefer to use the gender-neutral pronoun 'they' and may find it distressing to be referred to using gendered pronouns (he or she). Some use a mixture of different pronouns from day to day, and a few use more unusual gender neutral pronouns such as 'per' or 'zie'.

## Gender non-conforming people

People who do not conform to gender stereotypes in clothes and accessories; speech or mannerisms; interests and behaviour. This term is mainly used to describe young people under 12.

Although they may never identify as transgender, gender non-conforming people may experience the same sort of transphobic bullying (see page 16) and similar issues at school as trans boys, trans girls and non-binary people.



It can be hard to predict how a young child will express themselves as they mature. It is important not to pressurise any child to identify or behave in any particular way. The best approach is to be flexible and non-judgemental, and enable the young person to explore their gender expression and identity at their own pace, as they develop.

Some gender non-conforming people identify clearly with the sex assigned to them at birth, and do not want to transition.

Some may identify themselves as transgender; some may be uncertain about their gender identity and any desire to transition may fluctuate. Whether a young person is gender non-conforming or identifies as transgender, it is important to listen to them and help identify their support needs. This guidance can help teachers ensure that all young people are safe, supported and able to achieve their full potential in education.

## SEXUAL ORIENTATION AND BEING TRANSGENDER

Being transgender is different from sexual orientation:

- Transgender describes a person's gender
- Sexual orientation describes who an individual is physically and/or emotionally attracted to

Sometimes these two different concepts are conflated. It is helpful for teachers to understand the differences.

Because there is still a general assumption that everyone is heterosexual, a young person might be seen by their peers as gender non-conforming if they are attracted to people of the same sex.

Coming out as gay, lesbian or bisexual might empower a young person to express gender non-conformance in how they dress, their mannerisms, interests or behaviour.

However, young people who identify as transgender often find it frustrating and distressing when others focus on their sexual orientation rather than supporting their gender identity:

- Transgender people and their partners can be straight, gay, lesbian, bisexual or any other sexual orientation (see glossary online at xxx)
- Most transgender people identify their sexual orientation according to their gender identity rather than their sex assigned at birth. For example, a male-to-female trans girl is likely to identify as heterosexual/straight if she is attracted only to boys, or as lesbian if she is attracted only to girls
- The terms straight, gay and lesbian assume that the gender identity of people and their partners fits with the two options 'male' or 'female'. These terms which describe sexual orientation are harder to apply when a person is non-binary



# OVERCOMING BARRIERS TO LEARNING

## IN THIS SECTION:

**BULLYING AND SAFETY**

**COMING OUT**

**TERMS OF ADDRESS**

**TOILETS AND CHANGING ROOMS**

**SCHOOL UNIFORM**

**PE AND SPORT**

**TRIPS AND RESIDENTIALS**

This section explores some common barriers to learning experienced by transgender young people. It suggests how teachers can include and support all young people in a school.

## BULLYING AND SAFETY

The Scottish Government, A National Approach to Anti-Bullying for Scotland's Children and Young People, 2010<sup>4</sup> defines bullying as follows: 'Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves.'

Teachers should be alert to the fact that transgender young people face disproportionately high levels of bullying. All teachers have a duty to challenge and respond to bullying behaviour, including transphobic bullying. Transgender young people often experience homophobia and biphobia as well as transphobia. More information at xxx (link to the bullying document)

### Transphobic bullying

Transphobic bullying is behaviour or language which makes a young person feel unwelcome or marginalised because of their perceived or actual gender identity. It can include:

- Name calling, rumour spreading and gossip about a young person's transgender identity
- Physical attack (or assault, which may become a police matter) See [http://www.equalitiesinhealth.org/doc/sexual-orientation/HateCrimeBooklet-finalcopy\\_001.pdf](http://www.equalitiesinhealth.org/doc/sexual-orientation/HateCrimeBooklet-finalcopy_001.pdf) for more information
- Excluding someone from conversations, activities and games
- Stealing from someone or damaging their property with homophobic, biphobic and/or transphobic graffiti
- Threatening someone or spreading rumours through texts or social media
- 'Outing' or threatening to 'out' someone to peers, teachers or family
- Gestures, looks and other non-verbal communication
- Harassment and/or intimidation
- Deliberately using the wrong name and/or pronoun. This is different from people trying their best and making a mistake
- Denial of transgender identity

4. <http://www.gov.scot/Resource/Doc/330753/0107302.pdf>

Not all transphobic bullying is directed at transgender young people: comparing someone to a transgender person in a derogatory manner, for example, is transphobic bullying. Some young people experience bullying:

- Because others think that they are transgender
- Because they have transgender family or friends
- Because they are seen as different or not conforming to traditional gender stereotypes about what a girl or boy is
- Whether or not they are transgender

Transgender people in same-sex relationships experience homophobia for not conforming to gender norms.

Any such behaviour can harm people physically and/or emotionally. Although an incident may be one-off, the threat may continue.

## Is transphobic bullying a hate crime

There is no legal definition of bullying in Scotland and as such bullying is not a crime.

Bullying, however, can be motivated by prejudice similar to hate crime; the distinction is when a crime has taken place, such as assault, graffiti or a breach of the peace, that has been motivated by prejudice.

The presumption should be against criminalising children and young people, wherever possible, unless it is in the public interest. However, if a bullying incident is serious in nature, with clear criminal aspects and prejudice-based in nature, it would be reasonable to report the incident to Police Scotland. More information on reporting a hate crime or hate incident can be found <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/>

## Helping young people feel safe

If any teacher witnesses a child or young person being bullied because of their gender identity, or perceived gender identity, they should follow the school anti-bullying policy. All young people benefit when everyone feels safe at school. If the bullying involves a teacher, this should be reported to the senior management team.

School staff can help young people feel safe from transphobic bullying by ensuring that school policy and practice is supportive:

### Policy

- Anti-bullying policies specifically mention transphobic bullying
- All staff, young people and parents know about anti-bullying policies
- The learning environment is safe for transgender young people
- Teachers educate young people and others about transgender identities so that everyone in the school knows about respecting transgender people

### Practical

- Staff deal with any incidents involving transgender young people (or their families) as with any other bullying, whilst being mindful of confidentiality (see section 24)
- They thoroughly investigate all incidents of discrimination, intimidation, harassment or violence, whether involving young people or staff
- They tell young people who have experienced bullying about the outcome of any investigation
- They help young people recover from the impact of any bullying

For more information about transphobic bullying see: <http://www.respectme.org.uk/bullying/prejudice-based-bullying/>



## COMING OUT

When someone discloses their gender identity or sexual orientation this is called 'coming out'. Because there is a general assumption that people are heterosexual, and that their gender identity matches their sex assigned at birth, those who fall into this category don't usually feel that they have to disclose this.

Lesbian, gay, bisexual and trans (LGBT) people often need to 'come out' to let others know that they identify differently and live their lives differently from the general assumption.

People are rarely told that how they feel inside might differ from how they appear to others. This, along with negative media coverage, lack of role models, restrictive gender stereotypes and transphobic language, means that most transgender young people grow up feeling different, ashamed and scared.

Most have to choose between hiding how they feel or telling someone. If they don't know that their family, friends or teachers are 'trans-friendly', they can assume that, if they come out, people will be hostile and will reject them.

Trans people may come out at any stage of life and to varying degrees: some people want to live fully as themselves in all aspects of life; others may want to come out only to themselves or a few trusted people. So:

- Coming out is a personal choice
- Only an individual can know when, where and who to tell
- It can be a lifelong process
- No one should feel forced to come out if they don't feel ready

Young people come out to their teachers for various reasons, such as:

- A teacher has supported one of their friends or has spoken positively about LGBT people
- They know that teachers have a professional responsibility to support them

If a young person comes out to you, you should take the disclosure seriously and with respect. It is vital not to deny a young person's gender identity, or question their understanding of gender or their gender identity.

### COMING OUT GUIDE IMAGE



## TERMS OF ADDRESS: NAMES AND PRONOUNS

Some young people who identify as transgender change their name and/or pronouns, others don't. This is perfectly legal. Teachers should respect a young person's wishes and use the name/pronoun they use/have asked you to use. If you are not sure what name/pronoun they use, ask them in private at a suitable time.

### Names

If they want the school to record the change of name officially, they (with their parent if under 16) should write to the school to instruct this. Letter, email or any other form of written communication is fine. Schools do not need to ask for anything else. A transgender young person who wants to change their name can do so whenever they want to. They can simply tell people that they want to be known by this name from now on. There is a sample letter in the appendix.

The school can then change the record on the official administration record system (School Management Information System or SEEMiS). This is straightforward to do.

#### SCREEN GRAB OF NAME/GENDER CHANGE SCREEN

This does not affect a candidate's SQA number, and the Scottish Qualifications Authority does not require any documentation:

<http://www.sqa.org.uk/sqa/75545.html>

### Pronouns

Typical pronouns are 'he', 'she' and 'they'.

Some transgender young people, especially those with a non-binary gender identity, are unhappy about people referring to them as 'he' or 'she', and use the gender-neutral pronoun 'they'.

Other, rarer, non-binary pronouns include 'zie' or 'ey' or 'per'.

There is no official way to record a young person's correct pronoun on SEEMiS but schools can record this information on the young person's file.

Using pronouns is an indication of someone's gender identity and staff should take care not to 'out' a young person by using a pronoun in public that others don't know. They should check with the young person whether this information is to be shared, and if so, with whom and how.

### Addressing young people: good practice

How you and others address a transgender young person tells them whether or not you respect their gender identity. When friends, family or staff use the wrong name or pronoun it can upset and undermine them.

If you are supporting a transgender young person, be led by them, and check with them what pronouns and/or name you should use and when. This may be different depending on whether it's in public or private, or who else is around, and may be liable to change. It is part of the process of their transition.

Staff should keep an ear out for 'deadnaming'. This is when someone deliberately calls a transgender young person by their previous name. Depending on the situation, it could be bullying.

This is not the same as accidentally calling a person by their previous name. That's just a mistake. If someone does this, they should say 'sorry' and try not to do it again.



## TOILETS AND CHANGING ROOMS

Feeling comfortable about using the school toilets and changing rooms is fundamental to young people's experience of school. All young people should feel OK about using these facilities. If transgender young people are going home to use the toilet or refusing to drink during the school day, there are obvious implications for attendance, attainment, health and wellbeing.

Some transgender young people feel uncomfortable about using the toilet or changing room which matches their gender identity. They worry about being teased or bullied, and would rather use the accessible toilet because it's a single cubicle.

In changing rooms, they may be worried about other young people looking at them while they are getting changed. This may be to do with sexual orientation rather than gender identity. It can be helpful for staff to remember that schools do not require gay, lesbian and bisexual students to use separate changing facilities.

### Guidelines

Helpful guidelines about school toilets, changing rooms and individual rights are:

- Respect a young person's gender identity
- Ask them what they want and/or are worried about
- Plan what's to happen with the young person
- Ensure that everyone feels safe about using the toilet
- Distinguish between what feels uncomfortable what is unsafe

### What the law says

There is no law in Scotland, or in the UK, which states that only people assigned male at birth can use men's toilets and changing rooms, or that only people assigned female can use women's toilets and changing rooms.

As a guide, it is helpful to ask:

- Is the young person being treated differently from their peers?
- Is the young person being treated with dignity and respect?
- Have you taken all reasonable steps to accommodate their needs?

### Safety concerns

If toilets and changing rooms are genuinely unsafe, this is a different matter and schools should address this as a separate issue.

### Good practice approach

- If a transgender young person typically asks to go to the toilet during class time, it is likely to be because the toilets are quiet then, and they feel safer. Although not ideal, it is better to allow this, otherwise the young person might not go at all
- If a transgender young person is concerned about the changing facilities, listen to what they are saying. It may be possible to let them change separately/privately. Schools could put up modesty curtains in changing areas. Many young people at school would appreciate that; it does not have to cost much
- If other young people (or their parents) express concerns about sharing toilets or changing rooms with a transgender young person, it tends to be because they think that the transgender young person will behave inappropriately. Schools should reassure all pupils, and dispel any myths and misconceptions. A transgender young person's mere presence does not constitute inappropriate behaviour



- If someone feels uncomfortable sharing facilities with a transgender young person, they should be allowed to use a private facility such as an accessible toilet. But a transgender young person should not be forced to use alternative facilities simply to make other young people feel more comfortable

## SCHOOL UNIFORM

Schools have the right to enforce a uniform code. There are numerous arguments for and against school uniform: it is up to each school to decide its own dress code.

However, forcing transgender young people to wear clothes which do not match their gender identity can damage their emotional health and wellbeing, and could constitute discrimination under the Equality Act 2010.

If your school has a uniform, there should be a gender-neutral option. Schools should either avoid specifying that certain clothes, such as skirts and dresses, are for girls or should allow any transgender young person who officially requests it to wear these.

If your school doesn't have a school uniform, it should be clear that young people can wear what they want as long as this complies with school guidelines about what is acceptable.

## PE AND SPORT

### Activities

Some transgender young people are so concerned about their physical characteristics or about having their gender identity accepted that they find PE classes very difficult. Teachers can help by:

- Considering any request for support or reasonable adjustments sensitively
- Placing a transgender young person with the peer group which best matches their gender identity (if the school has single-sex PE classes)
- For a non-binary young person, checking who they would feel most comfortable being with
- PE classes tend to focus on team work, co-ordination skills, play skills and physical activity awareness rather than gender-specific activities. But if school competitions are organised by gender, allowing a transgender young person to compete in the category which matches their gender identity
- For inter-school competitions not governed by national sports bodies, the same standards should apply. It may be helpful to a young person if you speak to the equivalent staff in the other school(s) to let them know there is a trans student in your team/competition, but only with the young person's consent

National and international sports governing bodies have their own inclusion policies for high-level competitions. If you are concerned about a trans student participating, you should contact the sport's governing body directly.

### Clothing

- Allow transgender young people to wear sportswear which matches their expressed gender identity
- For swimming, skirted swimsuits, baggy shorts, lycra surfing 'rash vest' tops or short wetsuits are alternatives for transgender young people (similar to modest swimwear worn by young people from some faith groups)



- A trans-male young person might bind their chest to flatten it so they might need to wear a loose-fitting shirt or sweatshirt. Binders can lead to shortness of breath, pain and even cracked ribs from physical exertion. (See glossary online at [www](http://www) for more on binders)
- Staff should allow a young person to decide for themselves about whether or not to wear a binder, and help them join in, but safely

## TRIPS, RESIDENTIAL AND OTHER ACTIVITIES

School activities need to be inclusive for all. So, when planning these, staff need to take into account the needs of transgender young people.

School day trips are not likely to require anything specific unless a transgender young person wishes to use a single-cubicle toilet.

There may be some specific considerations for residential, although a general principle would be to treat a transgender young person in the same way as everyone else on the trip. However, young people will be in closer quarters than usual. Talking about respect for boundaries, privacy and shared living space will help all pupils, but particularly transgender young people.

### Good practice approach

- If a transgender young person wants to share a room with other young people who share their gender identity, they should be able to do so
- If a transgender young person is sharing a room with their peers, there is no reason for the parents of the other young people to be informed about this
- If a transgender young person is concerned about sharing a room with others, you could consider giving them their own room, but ask the young person about this first
- If showers are communal, find out if there are single-cubicle or private washing facilities which a transgender young person could use
- If these aren't available, you could work out a rota so that everyone can wash in private if they want to. Many young people are unhappy about communal showers
- Check out the ethos and practice of the venue beforehand. If you have any concerns, contact the venue to discuss these in general terms, particularly safety and respect
- If a trip is to a foreign country which has anti-LGBT laws contact the foreign office for advice and see also: [www.gov.uk/guidance/lesbian-gay-bisexual-and-transgender-foreign-travel-advice](http://www.gov.uk/guidance/lesbian-gay-bisexual-and-transgender-foreign-travel-advice)

### Risk assessment

Risk assessments are used to anticipate and plan for the things that could cause problems or go wrong on a trip and:

- Are useful for thinking about how you will keep a transgender young person safe while they are in your care
- Are most helpful if you involve the young person in determining risk and how to mitigate it
- Are not a method of excluding a transgender young person but of including them safely
- Should be realistic and based on actual risk not prejudice
- Are confidential: the information they contain should only be shared according to the school's confidentiality and information-sharing policy

See also confidentiality and information sharing on p 24



# PRACTICAL SUPPORT FOR TRANSGENDER YOUNG PEOPLE

## IN THIS SECTION:

### CHILD'S PLAN

### CONFIDENTIALITY, INFORMATION SHARING AND CHILD PROTECTION

### WORKING WITH FAMILIES

### FAMILY RELATIONSHIPS

### SUPPORT AND REFERRAL

This section includes advice on how best to support an individual young person in school and covers some common concerns such as confidentiality and working with parents.

## CHILD'S PLAN

The Children and Young People (Scotland) Act 2014 provides for some children to have a Child's Plan<sup>5</sup> if they need extra support for their wellbeing. The support can be social, emotional, physical and/or academic. Teachers can build in additional support for transgender young people through a Child's Plan. This plan should set out additional support to be offered, who by and when. It includes how the school will support a young person to live as their true gender in school, (if that is what the young person wants), or help them develop their understanding of their gender identity.

Given the mental health concerns for transgender young people, such plans are useful for responding to some of the elements which make things difficult for transgender young people at school.

Some transgender young people feel stigmatised if they are seen as needing additional support. So, although they might be eligible for this, the stigma could outweigh the benefits.

The requirement for support should be jointly agreed between young people, teachers and parents, with young people and their parents making the final decision.

## Good practice approach

- A Child's Plan should focus on improving the wellbeing of a young person and reducing negative influences
- The document is kept private: it is a written record which could disclose a young person's transgender status

5. The statutory guidance covering Child's Plans should be available in Autumn 2017.

# CONFIDENTIALITY, INFORMATION SHARING AND CHILD PROTECTION

Teachers should not contact a parent simply because a young person discloses that they may be transgender, or are questioning their gender identity.

Transgender young people worry about confidentiality and privacy: about staff disclosing information about their gender identity to others, and/or about staff taking action which they have not agreed to.

Child protection guidelines require teachers to follow particular procedures for confidentiality and information sharing. But, being transgender is not a child protection issue in itself.

If there is a child protection issue, this should be specified and the school's child protection guidelines followed.

## Good practice approach

- Whenever possible, respect a young person's right to privacy. Being transgender is not a child protection issue
- Information about a young person's gender identity or transition should not be shared without their express permission
- A young person should be involved in all decisions affecting them, understand what is happening, and why
- Adults should listen to young people, and hear and understand what they are saying
- If a young person wishes to come out in a school setting, information will need to be shared. Teachers should consider who to tell and how, taking into account the young person's view on this
- Some young people may want to be completely open about their transgender identity. If so, the school should accept this, and provide young people with the necessary support at school
- If information about a young person's gender identity is to become public knowledge, there should be an agreed procedure to respond to questions from other young people, teachers and parents to ensure staff give consistent information which does not breach confidentiality
- Only in very exceptional circumstances would a school need to give information about a young person's transition to other parents. This would require the permission of the young person or their parents (depending on the age of the young person)
- A transgender young person may wish to change schools as part of their transition process for reasons of privacy. It is not necessary for all staff in a receiving school to know the young person's transgender identity
- Personal data is easily shared and young people find it increasingly difficult to maintain their privacy. Teachers may need to support young people if personal information becomes common knowledge through Facebook or other social media
- A transgender young person may not have told their family about their gender identity. Inadvertent or planned disclosure could put a young person in difficulty or in danger at home
- An equalities statement is a helpful way for schools to let parents know that they offer all young people a supportive environment in which everyone, of any gender identity, is respected

## WORKING WITH FAMILIES

Ideally, parents want to support their transgender child. This is vital because young people who are not supported by their parents face higher rates of depression, alcohol and drug misuse, homelessness, exploitation, self-harm and suicide than those whose parents are supportive.

If a young person speaks to a teacher about their gender identity, the teacher should try to find out whether the young person has told their family and how the family reacted.



If the young person has not told their family, teachers may want to discuss the likely reaction with the young person. That will allow the teacher and the young person to plan how and when to tell, if the young person wants to do that.

Although, increasingly, parents are supportive, some may react negatively at first. Sometimes this is because they have inaccurate or incomplete information about gender identity. Or it may be because they are worried about what it will mean for their child's future. Such reactions stem from loving and wanting to protect their child. Rejection can be a misguided attempt at protection. Finding out about the experiences of other young people and their parents can help parents accept and maintain their relationship with their child.

Parents may need time to come to terms with what their child has told them. Teachers can help by letting parents know about sources of information and support (see below), and encouraging parents to ask questions.

Teachers can also help young people talk to their parents, for example about their preferred name, pronouns and so on.

If parents are not willing to support their child, the school should make sure that there is a support plan so that the young person can get support at school. It may also be useful to approach the local authority Community Learning and Development team to see if there is any local support for parents. If that department of the council needs information, they should contact their equalities lead and/or LGBT Youth Scotland.

If a teacher is concerned about the home environment and the safety of a young person, they should follow the school's procedures for recording and/or acting on such concerns.

Whatever the home situation, supportive or otherwise, schools need to keep young people at the centre of any decisions which affect them. Sometimes, this means giving young people the chance to voice opinions which differ from those of (even supportive) parents.

Agencies which provide advice and support to parents of transgender children include:

- Transparentsees: group for parents, based at the Sandyford Clinic, Glasgow. [transparentsees@gmail.com](mailto:transparentsees@gmail.com)
- Mermaids: UK-wide organisation which works to: reduce isolation and loneliness for parents and young people dealing with gender issues and empower families and young people with the tools they need to negotiate the education and health services. More information can be found here: <http://www.mermaidsuk.org.uk/>
- Scottish Trans: [www.scottishtrans.org](http://www.scottishtrans.org)
- LGBT Youth Scotland: [www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)

TSER IMAGE

# HOW TEACHERS CAN HELP TRANSGENDER YOUNG PEOPLE AND THEIR FAMILY RELATIONSHIPS

Teachers can help by:

- Providing a safe and supportive place for parents and young people to discuss the young person's needs
- Speaking on behalf of a young person who cannot articulate their needs to their parents
- Providing support to alleviate the distress caused to young people by family rejection
- Providing a safe space for transgender young people to be themselves and have their identities respected
- Working with young people to agree what they need from their parents. This can be particularly helpful if parents disagree or their relationship has broken or is breaking down

Schools have a welfare responsibility towards pupils, and may have to assume the role of neutral arbiter if decisions need to be made about a young person's wellbeing. They should always provide impartial and dispassionate advice and guidance which prioritise a young person's wellbeing, even if this is something a parent may not wish to hear.

The legal responsibility for a young person's wellbeing is with their parent(s) but the school can support all those involved in a young person's welfare.

## Good practice approach

- Find solutions which involve young people, teachers and parents in reaching decisions together to ensure the young person is safe, supported, nurtured and respected, in school and at home
- Consider meeting parents to explain how important it is to support a transgender young person and the negative effects on young people of conflict, disagreement or rejection
- Explain the positive effects of young people being able to live as their own gender
- Base what is said to parents on observations from school and from talking to the young person (but discuss only the information which the young person has agreed can be shared)
- Listen to parents' concerns without judging them; respond to concerns calmly; and correct any misconceptions
- Understand that parents have other information about a young person to contribute
- Use any Child's Plan (see p 23) to give parents details about what support is being offered to a young person and when. This might include details of future meetings to support the young person and the family as a whole
- Encourage collaboration between the school, parents and young people to ensure that the needs of young people are met

## SUPPORT AND REFERRAL

All young people should know where they can go and who they can speak to if they need support.

Schools can help by telling young people and families about support services, for example through posters, online, and in assemblies, lessons and activities.

LGBT Youth Scotland runs youth groups across Scotland, including some for transgender young people in Edinburgh, Dumfries and Glasgow. Information about these is at: [www.lgbtyouth.org.uk/youth-groups](http://www.lgbtyouth.org.uk/youth-groups)

It also runs an online youth service. This one-to-one chat service allows young people the space to ask trained youth workers about sexual orientation and/or gender identity, or any other issue. Young people do not need to give their names. The service is useful for young people in rural areas who may feel isolated. Details are at: [www.lgbtyouth.org.uk/yp-online-support](http://www.lgbtyouth.org.uk/yp-online-support)



# A WHOLE-SCHOOL APPROACH

## IN THIS SECTION:

**STAFF LEARNING AND CONFIDENCE**

**POLICIES AND PROCEDURES**

**THE LEARNING ENVIRONMENT: TRANS-INCLUSION AND VISIBILITY**

**RESPONDING TO CONCERNS**

**INVOLVING YOUNG PEOPLE**

This section considers a whole-school approach to supporting transgender young people and creating a transgender-inclusive environment. Whatever a school chooses to do, it should make it clear to all young people and staff that it is an inclusive environment for everyone, including transgender people, and that young people know they can talk to staff about gender or gender identity.

## STAFF LEARNING AND CONFIDENCE

No matter how progressive and proactive the school, individual staff make a huge difference in the extent to which transgender young people are supported. No one expects all staff to be experts in transgender inclusion, but all are expected to actively ensure that transgender young people are accepted, respected and supported. GTC Scotland guidelines specify that all teachers should treat all young people with respect, and provide the best learning environment they can (see page xx).

Several hundred teachers have already received training in transgender inclusion and are actively supporting young people. LGBT Youth Scotland can provide such training. More information at: [www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)

## POLICIES AND PROCEDURES

School policies and procedures help to make the school's approach clear and consistent. Schools should ensure that the following policies include transgender young people:

### Equality policy

An equalities policy is a useful tool both in framing your organisation's approach to inclusion and for sending a clear message to staff and learners that your organisation is transgender inclusive.

By ensuring that you are transgender inclusive, your organisation will:

- Improve the working and service environment and raise consideration of the importance of terminology
- Demonstrate that you have taken proper steps to prevent bullying and harassment within your organisation
- Increase confidence in your organisation; transgender learners will see a commitment to making them feel supported or included

The equalities policy should make direct reference to the Equality Act (2010) and all protected characteristics. It should clearly outline your commitment to reducing inequality, improving opportunity and fostering good relations between different groups.

## Anti-bullying policy

- This should state that the school does not tolerate transphobic bullying. It should reflect Scotland's National Approach to Anti-Bullying, 2010<sup>6</sup> and include homophobia, biphobia and transphobia
- Schools should know how transphobic bullying manifests, and have procedures to respond to transphobic, biphobic or homophobic bullying
- There should be distinct sections for each of these forms of bullying, as they are different
- Respectme offers training and can be contacted at: <http://www.respectme.org.uk>
- LGBT Youth Scotland offers training on recognising, responding to and recovering from homophobia, biphobia and transphobia and can be contacted at: [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk)

NATIONAL APPROACH TO ANTI-BULLYING VISUAL

6. <http://www.gov.scot/Resource/Doc/330753/0107302.pdf>

# THE LEARNING ENVIRONMENT: TRANS-INCLUSION AND VISIBILITY

When young people start questioning their gender identity they need reliable information. They often look to teachers for that. But they typically wait four years before talking to someone about their gender identity. During that time, they may not see or hear anything about transgender people, identities or topics at school. This is an easy thing for schools to fix through their everyday teaching and learning.

## Materials

### TEACHING PACK: INTRODUCING TRANSGENDER IDENTITIES

LGBT Youth Scotland's teaching pack 'Introducing transgender identities' (forthcoming) contains eight activities, with teaching notes, which teachers can use as a basis for raising awareness about, and discussing, gender and gender identity.

### POSTERS AND DISPLAYS

Transgender identities should be included alongside other identities in classroom/school displays.

Schools could harness their young people's creativity and ask them to design posters to show that the school has an inclusive approach to people of all genders and gender identities; that everyone is treated with respect; and who to approach for more information.

### EXAMPLE OF A TRANS INCLUSION POSTER

## Campaigns

Schools could link into public awareness campaigns or create their own. See for example the Equal Recognition campaign:

<http://www.scottishtrans.org/equal/>

## Role models

As long as they are suitable role models for young people, transgender 'celebrities' and academics can be a powerful affirmation for transgender young people. Some suggestions are:

### PHOTOS OF TRANSGENDER INDIVIDUALS

- Aydian Dowling – trans fitness instructor and activist. Finalist in the US Men's Health Ultimate Man contest and featured in the magazine
- Lana Wachowski – film maker. Created the Matrix films with her trans sibling
- Jaden Smith – model. Identifies as male, but often wears clothing which is considered to be for girls/women. He was the face of Louis Vuitton's womenswear
- Balian Buschbaum – German pole-vaulter who competed at Olympic level and, after retiring, transitioned to his true gender
- Eddie Izzard – comedian and marathon runner. Identifies as male and as a transvestite (cross dresser)
- Janet Mock – American pop-culture talk-show host
- Jin Xing – Chinese ballerina and contemporary dancer



Transgender professionals who could be referred to in lessons include:

- Rebecca Heineman – video game programmer
- Angela Clayton – physicist (nuclear critical safety)
- Joan Roughgarden – biologist and evolutionist
- Ben Barres – neurobiology (neurons and glial (glue) cells)
- Rachael Padman – stellar evolution (formation of stars)

The focus on these individuals should be their contribution to their field, as a stimulus for lessons. In the same way that teachers no longer talk about 'lady scientists', 'trans scientist' is not acceptable. However, if teachers explain at the end of the lesson that a particular professional is transgender, it has a normalising effect and demonstrates inclusion.

#### EXAMPLES OF POSTER FOR USE IN SECONDARY SCHOOLS

#### EXAMPLE OF POSTER FOR USE IN PRIMARY SCHOOL



## RESPONDING TO CONCERNS

All schools should provide clear and consistent leadership.

For any objections, whether from pupils, parents or staff, the most effective approach is to communicate a consistent and accurate message. If a school or a teacher is not sure how to do this, then LGBT Scotland is happy to help with training and advice.

Some people in a school community, including staff, may not support a whole-school approach to inclusion. Some may reject transgender young people, or not recognise their need for safety and support.

They should have an opportunity to express any concerns and be heard. Their concerns may be based on misconceptions or misinformation, and it may be possible to reassure them.

If teaching staff raise concerns about an inclusive approach, the management team should make it clear that, irrespective of a teacher's personal opinions, they have professional obligations to support all young people in a school setting, and legal duties of care to ensure the safety, health and wellbeing of pupils. If a teacher wants to know more about these professional responsibilities, the union, GTC Scotland or the local authority can provide this.

If the parent of another child at school raises concerns, it may be helpful to meet with them to discuss these and the school approach to equality and inclusion. Parents' concerns should be taken seriously. The school's response should be framed in the context of respect for all young people in the school.

## INVOLVING YOUNG PEOPLE

The best way to encourage inclusion is to involve young people directly. Their involvement needs to be relevant and focused; not tokenistic. Make sure that the purpose and outcomes of any activities are clear. Some suggestions which schools have tried are:

- Conducting pupil-voice surveys to capture young people's views about LGBT inclusion. These can be anonymous. They encourage transgender and other young people to discuss their experiences and show all young people that you take these seriously
- Inviting young people to participate in working groups, for example on inclusion and the suggestions in this guidance. Involving young people will help schools get it right
- Setting up a Gender and Sexual Orientation Alliance (GSA), or similar, in school to create a safe space for transgender young people, their friends and anyone questioning their sexual orientation and/or gender identity. Under Article 31 of the UNCRC, transgender young people have the right to a place where they can socialise with their peers and find information. Many schools in Scotland run extra-curricular groups to support and include young people over sexual orientation and/or gender identity. More information about setting up a GSA at: XXX

## LGBT Schools Charter of Rights

LGBT Youth Scotland Schools Charter helps schools include LGBT young people. It shows LGBT pupils that their school supports them to identify their rights. It helps schools look at policy, practice and legal obligations in the context of LGBT equality.

By actively pursuing the LGBT Schools Charter of Rights, schools send a positive message to LGBT staff and pupils that they are included, valued and supported, and will be treated fairly at school. It makes it clear to other pupils that equality and diversity are central to the school ethos.

More information at: [www.lgbtyouth.org.uk/charter-schools](http://www.lgbtyouth.org.uk/charter-schools)



# POLICY, LEGISLATION AND FURTHER INFORMATION

## IN THIS SECTION:

EDUCATION POLICY AND APPROACH

LEGISLATION

PUBERTY AND MEDICAL TRANSITION

BOOKS AND OTHER MATERIALS

This section sets out the policy and legislative context for supporting transgender young people in schools. It describes how puberty might affect a transgender young person and medical transition. It also suggests some useful educational resources, books and sources of further information.

## EDUCATION POLICY AND APPROACH

The following national and international policy and legislation provide the education context and legal imperative for supporting transgender young people in schools.

Education policy and approaches such as Curriculum for Excellence (CfE) are designed to allow teachers to use their professional judgement to establish the content, context and manner in how experiences and outcomes are met. If the words 'trans' or 'transgender' are not specifically mentioned in policy, it does not mean they should be excluded from your approach or from the curriculum.

Children and young people notice the things that schools don't mention: this becomes the 'null curriculum'<sup>7</sup>. Excluding transgender voices, identities and topics in schools when young people already know about them, even unintentionally, sends out a certain, damaging message.

The best approach is to ensure transgender identities and experiences are implicit within subject specific experiences and outcomes. See more about this in Whole School Approach on page 27.

## Getting it right for every child

Getting it Right for Every Child (GIRFEC) aims to ensure that all children and young people get the best start in life and can succeed as adults. It is:

- Child-focused: ensuring the child or young person, and their family, is at the centre of decision-making, and building solutions to support them
- Holistic: looking at the whole picture of a child or young person's wellbeing so that appropriate and effective support is offered at the right time
- Preventative: identifying a need as early as possible to avoid it developing into a concern or growing into a problem
- Joined-up: the child or young person, their family and professionals work together to consider what help is required, involve only the services needed to support them, and minimise unnecessary interruption in family life

7. Elliot Eisner, *The educational imagination: on the design and evaluation of school programs* (New York: Macmillan, 1979).

For transgender young people, GIRFEC means that schools should identify their support needs; listen to their opinions; and help them to achieve and live happy and productive lives.

The preventative approach means that schools should actively ensure that the learning environment is inclusive of transgender identities, even if there are no 'out' transgender young people in the school. This helps to raise everyone's awareness and prevent transphobic bullying.

As part of the GIRFEC framework, all young people should be safe, healthy, achieving, nurtured, active, respected, responsible and included (SHANARRI indicators). Schools should consider any specific needs of transgender young people within this.

## Curriculum for Excellence

CfE aims for children and young people to be: confident individuals, effective contributors, responsible citizens and successful learners.

A basic understanding of LGBT identities and experiences is intrinsic to this.

- Under 'Health and Wellbeing' responsibilities for all, 'Children and young people should feel happy, safe, respected and included in the school environment and all staff should be proactive in promoting positive behaviour in the classroom, playground and the wider school community'
- For transgender children and young people to feel happy, safe, respected and included, their identities need to be positively included in the learning environment. Transgender young people need to feel confident that they can talk to staff in schools.
- Under 'Responsibilities for All' teachers must ensure that all children and young people can, amongst other things:
  - 'Develop my self-awareness, self-worth and respect for others
  - Understand and develop my physical, mental and spiritual wellbeing and social skills
  - Understand that adults in my school community have a responsibility to look after me, listen to my concerns and involve others where necessary
  - Learn about where to find help and resources to inform choices
  - Reflect on my strengths and skills to help me make informed choices when planning my next steps
  - Acknowledge diversity and understand that it is everyone's responsibility to challenge discrimination'
- These provide a clear context for including all LGBT voices and identities across the curriculum.
- CfE experiences and outcomes under Health and Wellbeing cover respect, healthy relationships and personal development. There are opportunities in other curriculum areas too, including social studies:
  - 'I can gather and use information about forms of discrimination against people in societies and consider the impact this has on people's lives.' SOC 2-16b
  - 'I can discuss issues of the diversity of cultures, values and customs in our society.' SOC 2-16c
  - 'I can explain why a group I have identified might experience inequality and can suggest ways in which this inequality might be addressed.' SOC 3-16a

These give teachers scope to discuss the experiences of transgender people, and encourage understanding of issues which affect transgender children, young people and adults.



## United Nations Convention on the Rights of the Child (UNCRC)

The 54 articles which make up the UNCRC apply to all children and young people and underpin the approach to children's rights in Scotland. They are an important reference in supporting transgender young people. For example:

- Article 2 ensures the right to protection from discrimination. Discrimination is defined as being treated unfairly (see below The Equality Act (2010)). Transgender young people have the right to fair treatment in school. Refusing to accommodate a transgender young person could constitute discrimination
- Article 3 requires that the best interests of the child must be the primary concern in making decisions that may affect them. Schools must keep the best interests of a transgender young person at the heart of decisions made about them
- Article 4 requires governments to help families protect children's rights and create an environment where they can grow and reach their potential. As a public service, schools have a duty to meet this requirement. Including transgender voices and identities ensures that staff and pupils understand these
- Article 12 requires respect for the views of the child. When schools make decisions about a young person, they should inform the young person and take their views into account. Transgender young people often find that adults make decisions for or about them without consultation. This can be disempowering for the young person. Actions which are intended to be supportive can have a detrimental effect
- Article 16 ensures a child's right to privacy. If a young person comes out as transgender there is no immediate need to inform their parents or others. See more on confidentiality and information sharing on page xx
- Article 17 gives children the right to information that is important to their health and wellbeing. For transgender young people, this includes telling them that they are not alone and that support is available
- Article 19 gives children the right to be protected from being hurt and mistreated, physically or mentally. Schools are vital in keeping transgender young people safe from bullying, including transphobic bullying

## LEGISLATION

### The Equality Act (2010)

The Equality Act 2010 specifies nine protected characteristics including gender reassignment, sex and sexual orientation. This, the Act protects all transgender people from discrimination in all services and facilities, including education. This includes direct discrimination (someone is treated less favourably) and also indirect discrimination (a policy or practice intended to treat everyone the same negatively affects transgender people).

- A young person does not need to have undergone any changes or have any medical treatment or assessment for the Act to apply. As soon as a young person discusses with someone else that they are exploring their gender identity or considering using different pronouns in the future, they legally have the protected characteristic of gender reassignment
- The Act protects young people who are seen as possibly transgender. For example, a gender non-conforming young person might not consider themselves to be transgender, but may experience unlawful transphobic discrimination because their appearance, clothing, mannerisms, interests and/or behaviour do not conform to gender stereotypes
- It also protects people from discrimination because they are associated with someone who is transgender, for example a parent, partner, sibling or friend
- The Act requires public bodies such as local authorities and schools to consider transgender equality when writing policies, providing services and supporting employees, and to have due regard to the need to: eliminate transphobic discrimination and harassment; advance equality of opportunity for transgender people; and foster good relations between transgender people and other people



In order to comply with the above, staff and young people in schools need to understand transgender identities, know what being transgender means and about the life experiences of transgender people.

The Act protects people of faith from discrimination and harassment. It does not allow them to make discriminatory statements about others, (including in the context of teaching their faith). Scottish Government guidance<sup>8</sup> states that '...conveying a belief within an educational context in a way that harasses or berates a particular pupil or group of pupils is unacceptable and may constitute unlawful discrimination'.

While the Act protects people of faith from discrimination and harassment, it does not allow them to make discriminatory statements about their peers – or indeed students in the case of teachers – even if it is part of the teaching of their faith.

The Scottish Government has issued guidance to schools about discussing LGBT identities and any possible conflicts based on religious freedom. It states:

'...conveying a belief within an educational context in a way that harasses or berates a particular pupil or group of pupils is unacceptable and may constitute unlawful discrimination'<sup>9</sup>

All schools, including denominational schools, have a duty of care to all their pupils. Allowing or encouraging discriminatory discourse can damage the health and wellbeing of any young person who encounters it. Discriminatory behaviour, in any form, must always be treated seriously, investigated thoroughly (and timeously), and responses should be proportionate and effective. Pupils and staff should know that schools will always take disciplinary action if allegations of discrimination are substantiated. This includes allegations of discrimination about trans existence, status and identity.

If a child, young person or family argues that they are allowed to discriminate based on their religious conviction, the school should invite them to meet a member of the senior management team who should explain that the school needs to be safe, nurturing and inclusive place for all young people. Scotland website: <http://www.scotland.police.uk/whats-happening/campaigns/2015/hate-crime-2015>

## The Education (Additional Support for Learning) (Scotland) Act 2004, as amended

The Act states that additional support needs occur 'where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.'

This applies to any young person experiencing bullying or discrimination on the basis of a protected characteristic under the Equality Act 2010, such as gender reassignment. It also applies to children and young people experiencing mental health problems.

## The Offences (Aggravated by Prejudice) (Scotland) Act 2009

The Act creates a statutory aggravation for crimes motivated by malice and ill-will towards an individual based on their sexual orientation, transgender identity or disability. This Act, in combination with similar legislation focusing on religion and race, is commonly referred to as 'Hate Crime' legislation.

If offences are proven to result from such malice or ill-will, the court must take that into account when determining sentence. This can lead to a longer custodial sentence or higher fine or a different type of sentence. More information on the Police

8 & 9. Toolkit for teachers: dealing with homophobia and homophobic bullying in Scottish schools.  
<https://www.lgbtyouth.org.uk/files/documents/Toolkitforteachers.pdf>



## The Age of Legal Capacity (Scotland) Act 1991 Section 2

Child development specialists state that children and young people develop their sense of their gender and gender identity between age three and five. All young people should be supported to live as their true gender no matter what their age.

A child of 12 and over is presumed to have sufficient capacity to instruct a solicitor, to sue on their own behalf and to enter into transactions usual for a child of that age. The legislation also states that a child aged 12 and over can consent to any medical procedure or treatment if, in the opinion of the medical practitioner, they are capable of understanding the nature and possible consequences of the procedure or treatment.

## LEGAL RECOGNITION

Transgender young people under 18 are unable to legally change the gender recorded on their birth certificate, even if they are living as their true gender. This can cause problems for young people who may go to university or start work and be unnecessarily 'outed' as trans because of their legal gender.

At the time of writing (February 2017), the Equal Recognition campaign led by the Equality Network is working to change this.

The Equal Recognition campaign aims to give 16- and 17-year-olds the same access to legal gender recognition as those 18 and over, and to allow young people under 16 to change their legal gender if they have the consent of their parents.

Extending the right to legal gender recognition to young people is in keeping with the UNCRC, and would ensure that transgender children and young people are further protected from discrimination. More about the Equal Recognition campaign and why it is important at <http://www.equalrecognition.scot/>

Allowing trans young people under age 16 to have their gender legally recognised is not about access to medical treatment. Decisions about any medical treatment would continue to be made by medical professionals, and would not be affected.

Despite not being able to change the gender on their birth certificates, young people are able to change their gender on other types of documents such as passports and driving licences. This can be important for transgender young people, because it means they have some documents that reflect their true gender.

## PUBERTY AND MEDICAL TRANSITION

While transgender young people can recognise and discuss their gender identity at any age, onset of puberty often crystallises feelings of 'gender dysphoria'<sup>10</sup> when the body begins to change and develop secondary sex characteristics which are inconsistent with the young person's gender identity. This can be very distressing.

At onset of puberty, transgender young people may develop negative ways of coping such as self-harming. Teachers should refer to guidelines on supporting young people who are self-harming: [www.samh.org.uk/our-work/public-affairs/self-harm](http://www.samh.org.uk/our-work/public-affairs/self-harm)

Transgender young people can begin the process of medical transition during puberty. Before this, transition is limited to changing their name, pronoun and gender expression. These aspects do not need medical or healthcare involvement.

10. Refers to a person's sense of distress or discomfort about some aspect of their gender experience. This can be body dysphoria (for example a trans person who is distressed about having a penis, or a trans person who is distressed about their facial or body hair), or it can be social dysphoria (for example a non-binary person who is distressed about people assuming they are female when they meet them, and using female gendered language to refer to them).



In Scotland, all medical interventions for transgender young people take place at the Sandyford Gender Identity Clinic in Glasgow. Transgender young people can be referred to the clinic by their GP, or they/their families can self-refer. They can refer or be referred before puberty.

There is a waiting list so young people may wait some time for an appointment with the clinic. They can find this very difficult. Teachers often have to support transgender young people at this time.

### DIAGRAM VISUAL

If the clinic diagnoses a young person with 'gender dysphoria', it can offer ongoing support and medical intervention. This can involve prescribing puberty blockers. These pause the puberty process, meaning the young person temporarily stops developing the sex characteristics of the sex assigned to them at birth. If they stop taking the puberty blockers, their puberty will begin again.

This medication is also used for young people who begin puberty unusually early. In this case, the GP prescribes it. If it is for gender dysphoria, the Gender Identity Clinic has to issue the prescription.

Older transgender young people may be prescribed cross-sex hormones. Young people assigned female at birth are given testosterone, and those assigned male at birth are given testosterone blockers and oestrogen.

Regardless of the stage of puberty or medical intervention, the school should affirm the transgender young person's gender identity and listen to what they say they need. Not all transgender young people seek medical assistance, and teachers should avoid assuming that young people either want this or are receiving it.

For more information about medical transition, contact the Sandyford Clinic at <http://www.sandyford.org/sandyford-sexual-health-services/what-are-our-services/gender-identity-service/>

## BOOKS AND MATERIALS

Some suggestions are:

### Introducing transgender identities

LGBT Youth Scotland materials covering the basics of what it means to be transgender in Scotland. Designed for secondary schools, but could be adapted and used in upper primary. Contact: [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk)

### Toolkit for teachers: dealing with homophobia and homophobic bullying in Scottish schools

Developed in partnership with Education Scotland, the toolkit includes 16 lesson plans on identifying, understanding and tackling discrimination and prejudice against the LGBT community: [www.lgbtyouth.org.uk/pro-toolkit](http://www.lgbtyouth.org.uk/pro-toolkit)

### LGBT Education Network Newsletter

For news and updates, sign up at: [www.lgbtyouth.org.uk/xxxxxxx](http://www.lgbtyouth.org.uk/xxxxxxx)

### Scottish Trans resources

Useful materials for helping to understand why creating an inclusive learning environment positively affects transgender young people at school and beyond. Reports include the Trans Mental Health Study 2012 and the Non-Binary Survey: <http://www.scottishtrans.org/resources/>

### Films

My Generation YouTube channel: <http://www.mygeneration.com>

Suggested films for using in Scottish schools are:

Luke: [www.youtube.com/watch?v=vT25aNHC04o](http://www.youtube.com/watch?v=vT25aNHC04o)

Reuben: [www.youtube.com/watch?v=byz4U51tJX8](http://www.youtube.com/watch?v=byz4U51tJX8); and Rueben six months later: [www.youtube.com/watch?v=RG\\_JlqnPdhl](http://www.youtube.com/watch?v=RG_JlqnPdhl)

Captain Hannah and Private Mel: [www.youtube.com/watch?v=PoIM56XlhxM](http://www.youtube.com/watch?v=PoIM56XlhxM)

CN Lester: <https://www.youtube.com/watch?v=Qb-L8uLuJd0>

CBBC My Life series: 'I am Leo', 25-minute video diary of Leo. His mother also shares her thoughts and feelings: [www.youtube.com/watch?v=0x\\_u2cs8Dpl](http://www.youtube.com/watch?v=0x_u2cs8Dpl)

The Whittington Family, Ryland's Story (USA): about the family of a young transgender child, Ryland:

[www.youtube.com/watch?v=pXQ7WoKqakQ](http://www.youtube.com/watch?v=pXQ7WoKqakQ)

Channel 4: My transgender kid: useful introduction for staff, but its purpose is entertainment:

[www.channel4.com/programmes/my-transgender-kid](http://www.channel4.com/programmes/my-transgender-kid)

Note: some recent UK 'documentaries' are not suitable for educational purposes. Contact [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk) if you need advice about using a particular programme.

### Books

Suggested books for use in school which feature transgender voices and identities are at:

<https://www.lgbtyouth.org.uk/news/world-book-day-recommended-lgbt-themed-books-for-primary-and-secondary-school-settings>



# APPENDICES

## 1. Some scenarios: the teacher response

LGBT Youth Scotland is happy to give advice and support to teachers about responding sensitively to transgender young people. Contact us at: [info@lgbtyouth.org.uk](mailto:info@lgbtyouth.org.uk)

### **What do I do if...?**

A young person has come out as transgender and other young people are calling them names, threatening them and even getting physical (pushing, shoving, tripping).

### **Suggested response**

All of the above constitute bullying. You should respond as soon as possible consistent with the school anti-bullying policy.

Speak to the transgender young person, and find out what support they need. It's important for transgender young people to know that there are teachers who they can talk to, and who will support them.

If the school anti-bullying policy does not explicitly mention homophobic/transphobic/biphobic bullying, these should be included.

See more on bullying on page 16

### **What do I do if...?**

A teacher is calling a transgender young person names, making them feel uncomfortable or acting inappropriately towards them.

### **Suggested response**

You should report this to the head teacher. If you do this in writing it will help record the detail. If others witnessed the behaviour, ask them to report too.

The head teacher has a duty to investigate what has happened, and the young person has the right to know the outcome of the investigation.

If you, or the young person, are not happy with the outcome of the investigation, either of you can contact your local authority education team or ask them to investigate too.

If a head teacher behaves inappropriately towards a transgender young person, you can report the incident to the deputy head. But, it is best to speak to the local authority education team as soon as possible.



**What do I do if...?**

A young person comes out to you as transgender and is looking for support. From what they say, you realise you have to speak to colleagues. You ask if that's OK but the young person says it isn't, and that they only want you to know.

**Suggested response**

Confidentiality and privacy are important in building trust with young people. If a young person trusts you, they are more likely to ask for your advice and support.

Your response will depend on the situation. No teacher can guarantee absolute confidentiality in all circumstances. But, teachers are expected to act in accordance with the wishes of a young person, especially if there are no other concerns.

- Article 16 of the UNCRC states that children and young people have a right to privacy. If they have not given you permission, or they asked you not, to share information, and you do, you breach this right
- If information is already in the public domain, for example you find out that someone is transgender from their friends or from someone outwith school, you are not breaching confidentiality if you share it (for professional reasons)
- You can also talk to others if what you say would not identify a young person or breach their confidentiality

Remember, being transgender is not a child protection issue.

But, if there is a child protection concern, because you think or know that the young person is at risk of harm, you should follow your school's child protection guidelines. This could mean sharing information with or without consent.

In this case, if you do need to share information which could identify a young person, speak to them if possible, ask for consent, and explain who you want to tell and why.

See more on confidentiality and information sharing on page 24.

**What do I do if...?**

A young person and wants to change their name and gender on the official record system (SEEMiS).

**Suggested response**

This is very straightforward. The young person should send in a written request (see sample letter in the appendix), with the consent of a parent if the young person is under 16.

If a young person (over 16) is has requested this but has not spoken to their parent(s) about their gender identity, let the young person know that changing their SEEMiS record means that any letters sent home will effectively 'out' them.

At present, there is no option to record non-binary gender options on SEEMiS. Schools can ask if the young person prefers one gender over another to be on the official record.

See more on changing names, pronouns and SEEMiS on page 19.



**What do I do if...?**

A transgender young person wants to wear school uniform which does not match the biological sex and/or gender noted for them on SEEMiS.

**Suggested response**

Under GIRFEC, forcing young people into clothing contrary to their gender identity could work against their best interests. Schools have the right to impose a uniform code. But they should consult with young people, and be prepared to adapt the code to accommodate transgender young people.

See more on uniforms and dress codes on page 21.

**What do I do if...?**

A young person comes out and wants to transition immediately. You would like some time to talk to colleagues to ensure that there is planned support for the young person.

**Suggested response**

As far as possible, you should support the young person in their desire to transition when they choose. Delaying a transgender young person's wish to transition could be contrary to their best interests: living as the wrong gender can profoundly affect mental health.

But it can be reasonable for you to ask a young person for some time to ensure the right support is there for them. This should happen in consultation with the young person so that they know what support you are looking for, why and how long it will take.

Note that a young person does not need to agree to any delay. Letting you know their intentions is a courtesy.

**What do I do if...?**

A teacher refuses to accept a transgender young person's true gender, and refers to them as their 'dead name' (the name they used to be known as, but no longer use). The teacher may say this is for (their personal) religious reasons.

**Suggested response**

Consistent with GIRFEC, it is important to address someone in the way that is right for them. If a teacher does not do that, they are choosing not to respect a young person's identity. Teachers have a professional responsibility to act in a young person's best interests and to show respect.

**What do I do if...?**

A young person wants to use the toilet facilities which align with the gender they identify with. The school is concerned that this may not be safe, or other students or parents are complaining.

**Suggested response**

Support the transgender young person's legal right to use any toilet facilities, while exploring the concerns of others. Being respectful but firm will help increase awareness about the rights of transgender young people, and help to eliminate myths and misconceptions.

If anywhere in a school is 'unsafe' for any young person, that is a separate matter and should be investigated. You may need to follow the school anti-bullying policy.

See more on toilets and changing rooms on page 20.



## 2. Sample letter: instructing change of name

Young person's address

.....

School address

.....

### **INSTRUCTION FOR CHANGE OF NAME**

DATE:

To whom it may concern

I/We [insert full name/s], the parent(s)/guardian(s) of [insert child/young person's name as it appears on current records], in accordance with their wishes, request for them to now be known as [insert child/young person's new name].

From now on, please ensure all records, documentation, resources and workbooks are in the new name of [insert child/young person's new name].

We also request that previous records, documentation, resources and workbooks be changed from [insert child/young person's name as it appears on current records] to [insert child/young person's new name] OR Previous records, documentation, resources and workbooks do not need to be changed from [insert child/young person's name as it appears on current records] to [insert child/young person's new name].

The name [insert child/young person's old name] should no longer be used to refer to [insert child/young person's new name].

We also request, in accordance with the wishes of [insert child/young person's new name] that the pronouns [select pronouns he/him, she/her, they/them, xe/xir, own choice] are used when referring to [insert child/young person's new name].

Yours faithfully

[Insert full name/s]





The guidance was developed by LGBT Youth Scotland, working closely with Scottish Trans.  
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