



West Dunbartonshire Council

Educational Services

Supporting LGBT+ Young People in School

Guidance Document

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1. Introduction and Purpose

This guidance aims to offer supportive and practical information to staff who work and support children and young people who may identify as LGBT+. This term includes those who identify as lesbian, gay, bisexual or transgender. Transgender is an umbrella and inclusive term that covers a wide range of gender identities as described in this document.

The guidance has been developed by the WDC LGBT+ Short Life Working Group. It is a supportive resource written by staff and for staff; aligned with National good practice. While it is expected that school Leadership and Pupil Support staff become familiar with this guidance, it is anticipated staff will be able to select and learn from sections as required. Staff are not expected to be experts and to have all the answers. What matters most is having a respectful and inclusive approach where any young person who wants to have an open conversation about their sexuality or gender identity can do so with an appropriately informed staff member.

The values underpinning the guidance align with The Rights of the Child (UNCRC) (App.1), the vision of WDC's Promoting Positive Relationships Policy and the Council's mission to place children, young people and families at the heart of services; providing support when needed throughout childhood and the transition to adulthood.

Guidance is required because:

- staff in schools regularly seek support and advice when supporting young LGBT+ people (from LGBT+ Youth Scotland and the Principal Officer Equalities);
- the casual use of homophobic insults has not lessened in recent years (anecdotal)and
- Not conforming to gender stereotypes is a healthy and normal part of growing up and should not lead to any assumptions being made that the child may be transgender, or lesbian, gay or bisexual. The distinction between 'gender non-conforming behaviour' and transgender young people is that transgender young people are likely to be 'persistent and insistent' that their gender identity does not align with their sex from birth.

When a young person presents with an issue associated with their sexual orientation or gender identity.

If a young person comes out to you either about their sexual orientation or gender identity it is important not to make any assumptions or jump to conclusions. You may want to ask why they have chosen to come out to you and then be open to listen. Exploring the young person's disclosure with open questions can help them open up and also allow you to find out what they need from you. It is essential to be non-judgemental and honest about what you can and can't do. ("Do you know, to be honest I'm not too sure about that – would you like me to find out for you?"). You could be the first person they have ever told about this and having them confide in you is a huge privilege – praise their courage in talking with you. You should also be

ready to provide relevant and up-to-date information, able to signpost to organisations/ websites/resources such as LGBT+ Youth Scotland and become familiar with how they offer support to LGBT+ young people. A list of supports can be found in this document.

It is anticipated that where a child or young person presents with an issue associated with their sexual orientation or gender identity, staff will work together within the parameters of the GIRFEC refresh to ensure a consistent level of person-centred support is provided. This may include working with a range of partners. In West Dunbartonshire coordination of referrals and supports are undertaken by the Named Person. The member of staff with responsibility for equalities and inclusion may also be a good source of support.

Consultation

This guidance was produced to reflect consultation with a range of stakeholders, namely: WDC pupils and staff, WDC Inclusion Ambassadors and WDC Youth Council members, young people who identify as LGBT+, parent bodies, partner organisation Y-Sort-it and the Catholic Church. This informed us of the needs to have a forum to discuss LGBT+ issues and supports in schools, to remove stigma and to improve access to appropriate supports. All WDC schools teach positive relationships respect and tolerance via the Health and Wellbeing curriculum. It's anticipated that this guidance will enhance this and provide practical support to staff working with our children and young people.

2. Overcoming Barriers

This section explores some common barriers to learning experienced by LGBT+ young people, and suggests how teachers and schools can be inclusive and supportive:

Bullying and safety

The Scottish Government's anti-bullying strategy 'Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People (2017) provides a holistic approach to anti-bullying which makes clear that all types of bullying, including transphobic bullying, are completely unacceptable. The guidance defines bullying as: "both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online." 'Respect for All' provides an overarching framework and context for all anti-bullying work that is undertaken in Scotland. The approach aims to build capacity, resilience and skills in young people, and all those who play a role in their lives, to prevent and deal with bullying. Teachers should be alert to the fact that LGBT+ young people face disproportionately high levels of bullying. All teachers should address and respond to bullying behaviour, including transphobic bullying.

Transphobic bullying

Transphobic bullying is behaviour or language which makes a young person feel unwelcome or marginalised because of perceived or actual transgender identity or transgender expression. Sometimes the bullying directed at a trans young person also includes aspects of homophobic or biphobic bullying because of confusion between gender identity and sexual orientation.

Transphobic bullying can include:

- Name calling, rumour spreading and gossip about a young person's transgender identity
- Physical attack (which may become a police matter).
- 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. There is a need to address the root cause of prejudice as well as effectively respond to incidents as they arise in school settings. Transphobic bullying can also be directed at someone who is not LGBT+ such as by referring to them in a derogatory manner on the basis they are perceived to be LGBT+. 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. Young people who are exhibiting bullying behaviour will need help and support to:
 - Identify the feelings that cause them to act this way
 - Develop alternative ways of responding to these feelings • Understand the impact of their behaviour on other people
 - Repair relationships.

School staff need to help young people who demonstrate bullying behaviour by providing clear expectations as well as providing a range of ways to respond. This can include taking steps to repair a relationship, and where appropriate, supporting them. School staff need to challenge prejudice and offer the opportunity to learn and change behaviour.

WDC schools are expected to use the SEEMiS management information system, to record and monitor bullying incidents in schools. This enables schools to record any underlying prejudice or other negative attitudes reported in an incident of bullying, including those relating to a protected characteristic under the Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>). Therefore, schools are expected to record incidents of transphobic bullying, specifically detailing the transphobic elements. This allows accurate monitoring of incidents; how they responded and the impact.

When considering whether transphobic bullying is a hate crime, the decision will depend on the individual circumstances of any case. Where it is clear the bullying behaviour was a hate crime, it should be reported to the Police and may then be referred to the Children's Reporter. Our presumption should be against criminalising young people. Guidance on recording and monitoring bullying incidents in schools on reporting a hate crime or hate incident is that young people should feel happy, safe, respected and included in the learning environment. Consideration should be taken

on what impact actions taken will have on their and others' wellbeing. This applies to all young people involved in bullying incidents:

- Recognise that simply listening can help
- Explore with the young person the options open to them
- Take the views of young people seriously, considering what they want to happen next
- Remember to consider the privacy of young people and any legal impact of sharing information with others
- Take steps to address any underlying prejudice in the school
- Address any transphobic language used in school environments.

Helping young people feel safe

All young people benefit when everyone feels safe at school. Bullying incidents should be resolved proactively, using a respectful, proportionate and holistic approach which takes account of the impact of the incident as well as any underlying prejudice or other negative attitudes. If the incident involves a staff member, this should be reported to the senior management team. School staff can help young people feel safe from transphobic bullying by ensuring that school policies and practice are supportive. Recommendations are:

- Local authority and school anti-bullying policies should specifically mention transphobic bullying and/or gender identity
- Staff, young people, parents and carers should know about anti-bullying policies and school procedures
- Teachers should educate young people about LGBT+ issues and work towards creating a culture of respect. Age appropriate resources highlighted in the resources section (App. 2)
- All incidents of discrimination, intimidation, harassment or violence should be thoroughly investigated
- Young people should be informed about the outcome of any investigation and supported to recover from the impact of bullying
- Anti-bullying approaches should be embedded within the whole-school approach to inclusion and respect for all young people.

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 not LGBT+, those who fall into this category don't usually feel that they have to disclose this. LGBT+ people often need to 'come out' to let others know that they identify, and live their lives differently, from the general assumption. LGBT+ young people often have to choose between hiding how they feel and telling someone. If they don't know that their family, friends or teachers are 'trans-friendly', they may assume that, if they come out, people will reject them. This, along with negative media messages, means that many LGBT+ young people delay 'coming out' or speaking to someone about how they feel. LGBT+ people may come out at any age and to varying degrees: some people want to live fully as themselves in all aspects of life; others may want to come out to just a few trusted people.

It is important to understand that:

- Coming out can be a lifelong process
- Only an individual can decide when and who to tell
- Coming out is a personal choice; and people should not feel forced to 'come out' to others if they don't feel ready to do so. Some LGBT+ young people who have socially transitioned may want to be open with others about their gender history. Others treat their gender history as private, and do not disclose this to others. If a young person transitions at school, other learners and staff will most likely be aware of their gender history. Similarly, if a young person has a non-binary gender identity, being open about this will mean other young people and staff know that that young person is LGBT+. However, LGBT+ young people who join your school after transitioning may want to keep their gender history private, and this should be respected.

Supporting in First Steps

When a young person approaches you to discuss their gender identity they have often taken a long time to consider who to talk to and are looking for an adult to listen and be supportive. Coming out can be beneficial for young people's wellbeing as it allows them to discuss how they feel and get the support they need at the earliest point possible. A school staff member may be the first person that a young person speaks to. Some tips for responding to a young person who talks to you about being LGBT+ or about their gender identity include:

- Don't panic: they don't expect you to be an expert
- 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 it back to check you've understood correctly

- Don't agree to anything you're not sure of, seek further information and support for yourself and the young person if needed. The resources section in this document may help.
- Don't say 'it's just a phase' as this can diminish the importance of the issue for the young person
- Ask what name and pronoun you should use to address them. Check if that's all the time or in certain circumstances and confirm their preferred facilities.
- Ask if you can share information and with whom
- Arrange a time to meet up again, to check in and see how they are doing
- Check if there's anything else they want to talk about
- Ask how things are at home? Are their family aware that they are considering their gender identity? Are they being supported at home? If a young person comes out to you, it's also important not to deny their identity, or overly question their understanding of their gender identity. Teachers can of course ask reflective questions that allow young people to express themselves, explore their gender identity and identify their needs.

Teachers should respect a young person's wishes and use the name/pronoun they have asked to be used. If you are not sure what name/pronoun they use, ask them in private at a suitable time. It should be noted that anyone can change their name informally as long as it is not for a criminal purpose.

Changing name and recorded sex

Young people can simply choose to tell others informally that they want to use a different name. They don't have to change their name on their official school record. To keep a record of this and improve consistency in staff practice, education authority schools can update the school records held in SEEMiS using the box 'Known As' which can be used to record other names a young person may use in school. Before updating their record it is important to discuss this with the young person to ensure that they would like all teachers in the school to be aware of their name change. If a young person wants the school to record the change of name and/or change of recorded sex formally, they (with their parents or carers if under 16) should write to the school to instruct this. Letter, email or any other form of written communication is sufficient. Schools do not need to ask for anything else as a name change can be made at any time in Scotland. Changing the recorded sex in SEEMiS has no effect on a young person's legal sex. A young person or their parent can also officially record their change of name at the National Records of Scotland (see below), however, they are not required to do this to give effect to an amendment to the pupil's school record. Schools should accept the written request from the young person and/or their parent or carer as sufficient to make the change to the pupil's

record. See sample text (App.5) anyone can change their name informally as long as it is not for a criminal purpose.

The SEEMiS system refers to a pupil's sex rather than gender and LGBT+ young people may have the way their sex is recorded on their SEEMiS education records changed. A change in sex recorded within the SEEMiS system is not a legal change of sex, for which it is necessary to obtain a gender recognition certificate. The term official here reflects the legal nature of the changes made.

Recognising the rights of all parents and carers, it is recommended that consent is obtained from all of those with parental responsibilities for those young people under 16. Bringing parents into this discussion at as early a point as possible would be helpful. It is often said that school records are considered a legal record. This reflects the processing of the information within the school record in line with a regulatory requirement. However, no legal steps are required for a change of name or recorded sex within a school record.

How to change the record within the SEEMiS system

Once the letter has been received, the school can then change the name and sex recorded on the official administration recording system (SEEMiS) and other school files. With the correct level of SEEMiS administration access, such as the school's business manager or senior management team, the school can then update the name and recorded sex of young people. Change of name and recorded sex screen on SEEMiS in Application>Records>Edit Changing names and the sex recorded on administration systems does not affect a candidate's Scottish Candidate Number, and the national exam body does not require any documentation. The school simply needs to update the young person's candidate record: Note: At present there is no official way to record a young person's pronoun on SEEMiS, however schools can record this information in the young person's file. There is also no option for non-binary identities to be recorded. Schools can ask if the young person prefers one sex over another to be on the official record.

How to change details on Our Cloud & Glow

Please contact WDC for account user name to be changed.
support@ourcloud.buzz.

Data Protection

Data held within SEEMiS is controlled by the local authority and may be shared out with the school for legitimate education authority functions and council business such as electoral registration. All school records must be created, processed, transferred, and destroyed in line with the requirements of the Pupils' Educational Records (Scotland) Regulations 2003 (<https://www.legislation.gov.uk/ssi/2003/581/contents/made>), and the requirements of data protection law. Although changes in recorded sex and name are not

specifically flagged to local authorities they will hold this data along with all other information on SEEMiS. Under data protection legislation schools should inform LGBT+ young people and their families that any changes made to SEEMiS will be recognised by the local authority, including for purposes such as the electoral roll – schools should not take any additional steps to share this information. The changes will appear automatically, without needing to be flagged.

How can a child's name be changed in law?

Young people under 16 cannot change their own name; only those who have parental responsibility can change a young person's name. No formal procedure is required, but a statement of intention to change the name by which a child is known in the form of a statutory declaration will be accepted by most organisations as proof of the change of name. A statutory declaration is a formal statement signed in the presence of a notary public or Justice of the Peace. If the child's birth was registered in Scotland, or the child is the subject in Scotland of an entry in the Adopted Children Register, or a Parental Order, an application to change the name that appears on the child's birth certificate can be made to National Records of Scotland. Any parent with parental responsibility has to be a party to the application. Otherwise the application can be made by anyone else with parental responsibility. If there is a disagreement between those with parental responsibility as to a proposed change of name, it is possible to apply to the court for a Specific Issue Order. Here, the court would need to be persuaded that the change of name is in the child's best interests.

16 and 17 year olds

Young people who are aged at least 16 can choose to change their name in the same way as adults, by changing their recorded name(s) or with a Statutory Declaration of Name Change. As noted above, there is no requirement for a formal change of name to have taken place for a change to be made within the school record system.

NB: At present there is no way to change the sex recorded on a birth certificate for those under 18 in Scotland. However, the sex recorded on their passport, medical records, educational records and other documents can be changed.

Addressing young people: good practice

If you are supporting a LGBT+ young person, be led by them, checking with them what pronoun and/or name you should use and in which circumstances. This may be different depending on whether it's in public or private, and may change over time. This is part of the process of their transition. Typical pronouns are 'he' or 'she'. Some LGBT+ 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, neo-pronouns include 'zie' or 'ey' or 'per'. Using particular pronouns is an indication of someone's gender identity and should be

respected. Staff and young people should avoid 'dead naming' or 'outing' a young person. This is when someone intentionally calls a LGBT+ young person by their previous name or previous pronoun. Depending on the situation, it could be distressing for the young person, or be viewed as bullying. If someone accidentally calls a person by their previous name or pronoun, they should simply apologise and try not to do this in the future.

Toilets and changing rooms

In law, toilet facilities for boys and girls must be provided in schools. Schools are also required to provide accessible facilities for young people with a disability. In recent practice, schools have been designed to also include accessible facilities which can be used by anyone who requires to use them, with a focus on accessibility of facilities for a range of reasons; recognising the needs of a variety of people including those with disabilities, and LGBT+ pupils. This reflects wider changes in society, where there is increasing provision of gender neutral facilities, and accessible toilets in public spaces. The design of gender neutral facilities should ensure privacy for all young people, this should wherever possible include features such as full length walls and doors and should take account of the particular needs of female pupils.

Paragraph 1.2643 of the Equality and Human Rights Commission's (EHRC) Technical Guidance for Schools in Scotland (<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland>) summarises the exceptions that apply to certain types of school.

The Technical guidance also sets out examples of what may be considered a legitimate aim within education. Therefore, there are a number of considerations to make in relation to the provision of toilets and changing rooms within schools:

- A LGBT+ young person should not be made to use the toilet or changing room of their sex assigned at birth.
- Recognise that some LGBT+ young people may not be comfortable using a single sex toilet or changing room that matches their gender identity. In which case providing a gender-neutral space or accessible toilet can be the best alternative.

If school staff are in any doubt they should seek advice from their education authority officer or from the senior management team.

What does evidence tell us?

Evidence shows that young people can feel vulnerable to bullying whilst using toilets and changing rooms. Much has been done to improve the design of toilets in schools to alleviate concerns over dark and enclosed spaces which can leave young people feeling vulnerable to bullying and other behaviours. Schools should be aware that some pupils may have experienced gender-based violence. Toilets and changing

rooms can therefore be an area of school where boys, girls and LGBT+ young people feel particularly vulnerable. It is known that young people may worry about being teased or bullied and may not be comfortable getting changed in front of others, and may wish additional privacy. For LGBT+ young people these worries may be very prominent, and they may express very particular concerns about experiencing bullying or getting changed with others and may need additional privacy. Because of being uncomfortable about using school toilets, some young people including those who are LGBT+ resort to going home to use the toilet, or they may limit their fluids/drinks during the school day. Female pupils may also do this as a result of concerns about safety. This has implications for their health and wellbeing, as well as their attendance and attainment. It is therefore important that young people, where possible, are able to use the facilities they feel most comfortable with. (Footnote¹)

Recommended practice includes:

- Asking the young person about the facilities that they wish to use and if they have any worries
- Respecting the young person's gender identity
- Creating a plan with the young person, outlining what can happen and when
- Planning discussions should consider:
 - ensuring appropriate arrangements are made for the provision of, and disposal of, sanitary products
 - Whether there are toilet and changing facilities available within the school which may afford extra privacy, if this is requested
 - Where facilities are limited, and if a young person needs additional privacy, whether they could access a staff facility without compromising their privacy or the privacy of staff members

If the young person needs gender neutral facilities:

- Whether accessible facilities within the school could be used
- Whether a facility which is currently single sex could be converted to a gender neutral or accessible facility, taking account of the additional privacy requirements for gender neutral facilities. It is good practice to engage with parents in decision

¹ Toilets unblocked: A literature review of school toilets <https://www.cypcs.org.uk/ufiles/Toilets-LiteratureReview.pdf>

making, working closely with the young people. As a guide, it is helpful to consider whether:

- The young people's rights are being respected?
- The young people concerned are being treated with dignity and respect?
- All reasonable steps been taken to accommodate the young people's needs?
- Young people are being treated differently from their peers and they are experiencing disadvantage as a result, could this be unlawful discrimination?

Safety concerns

When considering safety concerns for all young people including LGBT+ young people, it is important to assess why a young person feels unsafe and whether this is as a result of any inappropriate behaviours. It is common practice to carry-out risk assessment for any safety concerns; where possible risk assessments should be measurable and based on evidence of risk and understanding of pupils, their needs and the local provision of facilities.

If a young person feels unsafe steps should be taken to discuss their concerns and outline the specific steps being taken, to ensure the safety of all young people concerned, this may include specific plans to support a young person in school. All responses to complaints should be reasonable and proportionate.

Good practice

- If young people, or their parents/carers, express concerns about sharing toilets or changing rooms with a LGBT+ young person, it may be because they are concerned that the LGBT+ young person may behave inappropriately. In this instance, schools should seek to dispel any misconceptions: a LGBT+ young person's presence does not constitute inappropriate behaviour.
- If a young person feels uncomfortable for any reason the school should listen to their concerns carefully and identify if additional support is needed.
- If a young person raises a concern regarding sharing facilities with a LGBT+ young person and it is established that they will experience disadvantage as a result, then the school should seek to respect the rights of all. To do this the school should seek to come to an arrangement, to accommodate everyone involved, after discussion and consideration of options available.
- If using existing facilities for disabled pupils to provide a gender neutral option for a LGBT+ young person, ensure this continues to be accessible for disabled pupils with clear signage and/or identifying it as an 'Accessible Toilet' for all.

School uniform

Most schools have a uniform policy or code. However, forcing LGBT+ young people to wear clothes which do not match their gender identity can be distressing for them, and may constitute discrimination under the Equality Act 2010. If your school has a uniform, the school uniform policy should include a range of options to accommodate the needs of girls and boys and these should also accommodate the needs of LGBT+ young people through gender-neutral options;

This approach should allow all young people to wear the school uniform they feel most comfortable in. Schools should not exclude LGBT+ young people because of how they dress, unless it breaches health and safety regulations.

Social dancing

Many schools hold ceilidhs, proms and school discos, and include partnered dance in their curriculum. This can be a much-enjoyed part of school life and schools should not be discouraged from teaching dance and social dancing. However, schools should be aware of the traditionally gendered aspects of dances and should look for ways to ensure that this doesn't exclude LGBT+ young people. Schools can be inclusive of all young people by:

- ensuring there are no restrictions on who young people can dance with
- allowing young people to wear what feels comfortable to them.

PE and School Sport

Some LGBT+ young people find PE classes very difficult because they are concerned about not having their gender identity accepted, or about their physical appearance. Teachers should consider any request for different approaches sensitively. At its core, physical education is about developing the foundations for an active life and is an important aspect of improving young people's health and wellbeing. Young people can learn about teamwork, fair play and respect for others. Steps should be taken to ensure that LGBT+ young people can participate in physical education.

We recommend:

- If PE classes are organised by sex, a LGBT+ young person should be allowed to take part within the group which matches their gender identity. For a non- binary young person, ask them which group they would feel most comfortable being with.
- That any school competition should take account of the age and stage of development of the participants and follow National/Governing Body Guidance in relation to a specific activity.
- For inter-school competitions, the same approaches to ensure fairness and safety 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 LGBT+ young person in your team/competition, but only with the young person's consent.

Clothing Good practice in PE, sport and related clothing includes:

- allowing LGBT+ young people to wear sportswear which matches their expressed gender identity
- for swimming, skirted swimsuits, baggy shorts, lycra surfing tops or short wetsuits are alternatives for LGBT+ young people (similar to modest swimwear worn by young people from some faith groups).

A transgender boy or non-binary young person who has developed unwanted breasts might bind their chest to flatten it, so they might need to wear a loose-fitting shirt. The Equality Act includes a specific exception in section 195(2) in relation to LGBT+ people participating as competitors in a gender-affected sport. Binders can lead to shortness of breath, can be painful during physical exertion and there are health risks associated with wearing binders that are too tight. Binders can, however, have a positive impact on a young person's mental health so staff should allow a young person to decide for themselves about whether or not to wear a binder, to help them join in. Some LGBT+ young people may be willing to wear a looser binder than usual during PE.

Mental Health & Wellbeing

Prevention and early intervention are key to reducing the risk of developing mental health problems and in providing a positive future for our young people. All staff in schools share a responsibility for supporting the care and wellbeing needs of young people and schools should establish open, positive, supporting relationships where young people feel that they're listened to, and feel secure in their ability to discuss challenges as they arise.

Day/ Residential trips and other activities

School activities should be inclusive for all and planning should consider the needs of LGBT+ young people. School day trips are not likely to require any specific arrangement unless a LGBT+ young person wishes to use a single-cubicle toilet. You may need to contact the venue to ensure there will be a toilet accessible for LGBT+ young people. Specific considerations will be required for residential trips, as young people are in closer quarters than usual. Talking about respect for boundaries, privacy and shared living space will help all young people, including LGBT+ young people. For certain residential accommodation it is possible under exceptions provided by the Equality Act to treat a LGBT+ young person differently in the provision of single-sex communal accommodation if this is a proportionate means of achieving a legitimate aim. This means that schools are not required to place a LGBT+ young person in a dormitory that aligns with their gender identity if this treatment of them is a proportionate means of achieving a legitimate aim. This

will require careful consideration. Schools should take time to consider the needs of LGBT+ young people and support them to engage fully in all aspects of the residential trip. The following good practice points will assist in this.

Good practice for planning a trip

- Investigate 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 country law.
- It is usual for there to be significant engagement with young people and their families as part of preparing for a residential trip. This can include the allocation of rooms and sharing arrangements. As part of these discussions, appropriate account should be taken of the wishes, rights and needs of all young people, including those who are LGBT+, this is in line with many other considerations in preparation for a school trip.
- If a LGBT+ young person wants to share a room with other young people who share their gender identity, they should be able to do so, as long as the rights of all those involved are considered and respected.
- If any young person, including a LGBT+ young person, is concerned about sharing a room with others, you could consider making alternative arrangements, including giving them their own room where appropriate. Risk assessments to be carried out ensuring appropriate inclusivity based on actual risk balanced with the venues protocols.
- If any young person voices a concern, this should be considered - responses should be reasonable and proportionate, taking into account the rights of all young people.
- If showers are communal, find out if there are single-cubicle or private washing facilities which could be used by any young person, including a LGBT+ young person, who would like greater privacy.
- You could work out a rota so that everyone can wash in private if they want to. Many young people, including female and LGBT+ young people, are unhappy to use communal showers.
- If considering sharing information with others, as part of planning, you should seek the young person's permission before hand.

3. Support for LGBT+ young people

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 and carers:

- Getting it Right for Every Child
- Confidentiality, information sharing and child protection
- Working with parents, carers and families
- How teachers can help LGBT+ young people and their family relationships
- Support and referrals for LGBT+ young people

Getting it Right for Every Child

As part of the Getting it right for every child approach, every child, young person and parent has a named person who can provide initial advice, information and support where requested, as well as access to wider support. The named person will usually be the Head teacher or deputy head teacher in primary schools or a promoted or principal teacher involved in personal support in secondary schools. The named person can consider the wellbeing needs of the child or young person and can discuss the provision of support to address any needs, including support for LGBT+ pupils. Where needs are identified across a range of services, there should be a child's plan where beneficial. The named person can arrange a lead professional to be responsible for co-ordinating and reviewing a child's plan.

Any consideration of wellbeing should be holistic and based on the child or young person's family and unique circumstances. This includes recognising their strengths and understanding factors that affect their resilience. This approach is supported through the National Practice Model and a range of tools which enable school staff to use a common language and approach with each other and with children, young people and parents.

While the aim of a named person is that there is someone there for every child, young person or parent if needed, there is no obligation to use the named person for support if a child, young person or parent would prefer to access information and support through another person or service.

The Education (Additional Support for Learning) (Scotland) Act 2004 (<https://www.legislation.gov.uk/asp/2006/8/contents>) requires education authorities to identify, provide for and to review the additional support needs of their pupils. An additional support need is caused by a barrier to their learning and can be of short or long-term duration. As part of the Getting it Right for Every Child approach schools should consider the support that may be required in order to overcome any barrier to their learning. Further information on additional support for learning is available.

Confidentiality, information sharing and child protection

“I came out to one of my teachers and they told my guidance teacher that I'm Trans even though I really didn't want them to. I wasn't ready.” – Trans young person

Confidentiality and privacy is important to LGBT+ young people. They can worry about people disclosing information about their gender identity to others, and/or about professionals taking action which they have not agreed to.

National Child protection guidelines (see following link <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>) require agencies and professionals, including teachers to follow particular procedures for confidentiality and information sharing. But, being LGBT+ 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 in information sharing

- It is important to respect a young person's right to privacy.
- Being LGBT+ is not a child protection issue or wellbeing concern in itself.
- Young people should be involved in all decisions affecting them and understand what is happening and why.
- If a young person wishes to 'come out' in a school setting, information may need to be shared. Teachers should consider who to tell and how; taking into account the young person's view and legal requirements on this.
- An LGBT+ young person may not have told their family about their gender identity. Inadvertent disclosure could cause needless stress for the young person or could put them at risk and breach legal requirements. Therefore, it is best to not share information with parents or carers without considering and respecting the young person's views and rights.
- An LGBT+ young person may wish to change schools as part of their transition process. Their previous name does not need to be shared with the new school. While it may be necessary for SLT and Pastoral/Support to be aware it's not necessary for all staff in a receiving school to know that the young person is LGBT+. Please see pages 23 & 30
- Young people find it increasingly difficult to maintain their privacy. Teachers may need to support young people if personal information becomes common knowledge through social media or online forums.
- If a young person decides to share their gender identity within their school community, there should be a mutually agreed plan on how this could be managed

may be required. You may want to consider the age/stage of the young person when developing this plan and their individual circumstances.

“My teacher worked with me on an email which was sent to all staff to let them know about my true name and gender. There were really positive responses to this which were shared with me and made me feel good.” – Trans young person

A young person with capacity can exercise rights and give consent to information being shared about them in their own right. Please see section on page 23 & 30 about Age of Legal Capacity

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

Please see information on page 23 & 30 for information on legal capacity and decision making

See information on page 23 & 30 for additional information on Data Protection Law

Working with parents, carers and families

“I had to run away from my parents because they were not happy about who I am. Teachers should know that while parents should respect their child's gender identity, they don't always do so.” – Trans young person

The UNCRC explicitly recognises the central role played by parents and families in ensuring that children grow up healthy, happy and safe. It states that: “the family, as the fundamental group in society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”

And goes on to recognise: “that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”

Evidence shows that young people who have parents who are supportive of their LGBT+ identity are more likely to have good mental health, including improved self-esteem and reduced rates of depression footnote. ²

² Travers R. et al. (2012) 'Impacts of Strong Parental Support for Trans Youth' A report prepared for Children's Aid Society of Toronto and Delisle Youth Services. Canada: Trans Pulse. <http://transpulseproject.ca/wp-content/uploads/2012/10/Impacts-of-Strong-Parental-Support-for-Trans-Youth-vFINAL.pdf>

Responses to a LGBT+ young person coming out can vary but the majority of parents and carers will want to do what is in the best interests of their child. Of course, some parents and carers may have very legitimate questions about what it means and what will happen next. Others may react negatively because they have inaccurate or incomplete information, or because they are worried about what it will mean for their child and their future. Such reactions often stem from loving and wanting to protect their child. Parents and carers may have different views from the LGBT+ young person. If this is the case SLT/Named Person and support staff can assist by creating opportunities for young people to have their views heard and by developing a support plan for the LGBT+ young person in the first instance.

Parents and carers may also need additional support to discuss their feelings.

Whatever the home situation, schools should continue to keep the young person involved in decisions which affect them. This could mean giving the young person the opportunity to voice opinions which differ from their parents and carers. The siblings of LGBT+ young people may also require additional support. (Please note the siblings could be in other schools). They may need space and time to process what is happening, or may be at risk of experiencing bullying from peers. Allowing them an opportunity to talk, and reassuring them that the school is committed to their wellbeing, can be beneficial.

How teachers can help LGBT+ young people and their family relationships

School staff, including teachers can help by:

- working with young people to agree what they need from their parents/carers
- speaking on behalf of a young person who cannot tell their parents/carers what they need
- providing support or referrals for support to alleviate any distress in the home
- providing a safe space for LGBT+ young people to be themselves and have their identities respected

Schools have a welfare responsibility towards young people, and may have to support the young person if decisions need to be made about a young person's wellbeing. Teachers should always provide impartial information and guidance which prioritises a young person's wellbeing.

It is important to recognise the contribution parents/carers can make, and to find solutions by working collaboratively with young people.

4. Good Practice

- If the young person has not told their family, pupil support staff may want to discuss the most likely reaction with the young person. This will allow the member of staff and the young person to discuss whether sharing information is in the young person's best interests at this time, and if so, what information to share and with whom.
- Offer to arrange a meeting with parents or carers; agree this with the young person in advance of the meeting and mutually agree key information to be shared in the discussion and by whom.
- Listen to the concerns of parents and carers without judging them; respond to concerns calmly; and correct any misconceptions.
- The Getting it right for every child approach will keep the young person and parents at the centre of any consideration of wellbeing; and, the identification and agreement of responses and support. Parents and carers may need time to come to terms with what their child has told them. Pupil support staff can help by letting them know about sources of information and support (see appendix).

Support and referrals for LGBT+ young people, their parents and carers

All young people & parents should know where they can go and who they can speak to if they need support. (See appendix 2)

Supporting LGBT+ young people at school: steps for good practice

Put the young person at the centre and keep them there:

- Allow them to talk about how they are feeling, and thank them for their courage in coming to see you
- If you don't know the answer to something, explain that, and offer to find out more information
- Let them know that you will not share their information with anyone unless they give their permission or there is a risk to themselves or others
- Find out the young person's views before sharing information with others, where possible, seek permission and/or inform them of what will be shared and why
- Ask them if they are getting support elsewhere
- Check whether or not the young person is being bullied or feels safe in school
- Ask the young person how they would like you and the school to support them
- Ask the young person if they plan to transition at school and if they would allow the school some time to prepare (if necessary)

- Set a date to meet again.

Consider information sharing carefully:

- Do not disclose the transgender identity history or any sensitive information about a transgender young person to anyone inside or outside the school, without considering the young person's view and what is in the best interests of the young person
- Find out the young person's views before sharing information with others, where possible, seek permission and/or inform them of what will be shared and why
- You can, however, discuss situations in general terms with a colleague or a member of the leadership team, ensuring that you do not share personal information or 'out' the young person unintentionally
- If you have a child protection or wellbeing concern, let the young person know that you will need to follow procedures, and share information with the relevant staff or agency.

Get advice and support (if required):

- Speak to a colleague or a member of the senior management team for advice and guidance. They may have experience of supporting transgender young people or have a school policy to guide practice
- Contact a specialist service which can provide additional support for the young person, for example groups and on-line support, or training for staff.

There are certain circumstances, for example sharing information with other agencies where you are required to seek the young person's consent prior to sharing their information.

- Contact your local authority education officer and/or equality officer or member of the senior management team. They may provide practical guidance and support, or information about the law and school responsibilities.

Support meetings:

- With the young person's permission, arrange a meeting to plan how the school can reduce any barriers to learning and (if required) support their transition. This could include a plan with goals and clear timescales
- Arrange a meeting with parents/carers, and/or outside agencies as required; if the young person is happy for this to take place
- If they are under 16 and there is a clear wellbeing concern, follow your school procedures and arrange relevant meetings as required
- Let the young person know who will attend any meeting, what will be discussed or if possible, support them to attend.

Keep in touch with the young person:

- Make sure the young person knows how the school will support them and, if they are transitioning at school, that the young person is happy with the plans
- Check in regularly with the young person to offer support.

A whole-school approach

This section considers a whole-school approach to supporting LGBT+ young people and creating a LGBT+-inclusive environment.

Whatever a school chooses to do, it should make it clear to young people, staff and the wider learning community that it is an inclusive environment for everyone, including LGBT+ people.

Staff learning and confidence

School staff have a key role in creating an inclusive learning environment. No one expects all staff to be experts in LGBT+ inclusion. However, all staff are expected to actively ensure that all young people including those who are LGBT+ 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.

Many teachers have already received training in LGBT+ inclusion supporting LGBT+ young people across the country. Details of the support which organisations can provide to individual schools on supporting LGBT+ young people and LGBT+ awareness and inclusion is provided in the Additional Resources section. It may also be useful to ask the local authority to provide joint training for all schools in the area.

Policies and procedures – you may find the WDC I platform useful – <https://intranet.west-dunbarton.gov.uk/people-technology/organisational-development-change-digital/learning-development/i-learn/> this will feature in the pupil support forums as we try to embed the updated guidance.

Equality policy

An equality policy is useful both for framing your school's approach to inclusion and for sending a clear message to staff and young people that your organisation is LGBT+ inclusive. A template can be found in Appendix 4.

Anti-bullying policy

An anti-bullying policy demonstrates that your school has taken steps to prevent and address bullying and harassment. The policy supports young people and the wider community to feel safer in school environments, and provide guidance for schools staff on how to deal with incidents. For more information go to PP10.6 Promoting Positive relationships and reducing bullying behaviour. <https://intranet.west-dunbarton.gov.uk/media/10095/pp106-promoting-positive-relationships-and->

An anti-bullying policy should:

- Reflect the key messages outlined in 'Respect for All' Scotland's National Approach to

Anti-Bullying

- Include specific content on prejudiced-based bullying (including transphobic bullying)
- Identify procedures to respond to homophobic, biphobic and transphobic bullying.

Scotland's anti-bullying service, respectme, works with adults involved in the lives of young people to give them skills and confidence to support young people who are bullied and those who bully others. It provides practical support for schools and local authorities, including free training:

For more information on bullying go to page 5

Environment: trans-inclusion and visibility

Research shows that LGBT+ young people would feel safer and more supported in education if their identities were reflected in the life of the school. Understanding equalities and diversity is also important for all learners, allowing them to appreciate and respect the diverse range of people whom they will meet and interact with in their lives.

Education – A Whole School Approach

Scotland's Curriculum for Excellence is based on a set of core values, including that the curriculum must be inclusive, must be a stimulus for personal achievement and must, through broadening of experience, be an encouragement towards informed and responsible citizenship

A pro-active approach is important in supporting LGBT+ children and young people and in challenging gender stereotypes.

Schools need to be pro-active in this, rather than waiting for a child or young person expressing LGBT+ needs to come forward for support.

This is important because:

- schools are highly likely to encounter LGBT+ pupils
- children and young people expressing LGBT+ are more likely to come forward for support if their school is openly supportive and operates a culture of inclusion
- children and young people may have parents, family and friends who are expressing LGBT+
- school staff may be expressing LGBT+

- schools are part of a wider community of which children and young people are a part. That wider community includes LGBT+ people. Gender and socialisation are learned and therefore can be unlearned. Society can and does change over time. Within school, we have an opportunity to challenge the typical gender stereotypes and reinforce the message that we are all individual and equal.

Campaigns to eliminate offensive language

In the spirit of advancing emotional literacy in all children's services, staff might plan an all-day or part-week campaign to actively eliminate the use of offensive language as it happens. This would work well as part of a wider focus to increase understanding, empathy and good relationships. It need not be confined to homophobic language and could include racist insults and words that are particularly hurtful to people with disabilities, e.g. Stonewall 'No Bystanders' campaign.

LGBT+ Groups / Equalities & Diversity Groups

Schools may support students who wish to organise and join a peer led LGBT+ group / Equalities group. This should be accessible to all students, including those with additional supports needs, learning disability or physical disability.

Out-with School, LGBT+ Youth Scotland have their own youth group operating in Glasgow and Y Sort it have local youth group(s)

The Curriculum

All practitioners have a responsibility to develop and reinforce skills in health and wellbeing across learning – Responsibility of All.

The opportunity to learn about gender and stereotypes is embedded within Curriculum for Excellence Health & Wellbeing, particularly within Relationships, Sexual Health and Parenthood Education or Relationships and Moral education in denominational establishments. It is recognised that religious authorities with a role in denominational education provide guidance on what should be taught on this subject. (Conduct of Relationships, Sexual Health and Parenthood in Schools, Scottish Government, 2014). Denominational Schools should follow curriculum guidelines as laid out by the Bishops' Conference of Scotland through the Scottish Catholic Education Service, and operate in keeping with A Charter for Catholic Schools in Scotland. <https://sces.org.uk/charter-for-catholic-schools/>

RSHP Education offers children and young people the opportunity to explore a range of contexts and themes relating to LGBT+, through the development of a range of experiences and outcomes (see information below)

The WDC Progression Pathway has been designed to support teachers and learners to understand the key skills and knowledge across the levels in the health and wellbeing curriculum, including RSHPE.

The 'Learning journey: Embedding Equality; LGBT+ positive relationships' from Education Scotland provides opportunities for cross curricular approaches to reflect on and extend learning.

<https://education.gov.scot/improvement/learning-resources/embedding-equality-learning-journey-LGBT+-positive-relationships/>

The Learning journey focuses on building positive relationships that are inclusive of all. It reflects on the development of equal rights for LGBT+ people and aims to address homophobic, biphobic and transphobic bullying.

During the Senior Phase of the curriculum model, pupils will participate in Relationships, Sexual Health and Parenthood Education. This element of the curriculum covers a range of topics relating to LGBT+ relationships and prejudice/discrimination of those who identify as being LGBT+.

Early Years and Primary School	Secondary School
I recognise that we have similarities and differences but are all unique HWB 0-47A/HWB 1-47A	I understand my own body's uniqueness, my developing sexuality, and that of others. HWB 3-47a/HWB 4-47a
I am learning what I can do to look after my body and who can help me HWB 0-48A/HWB1-48A	Using what I have learned I am able to make informed decisions and choices that promote and protect my own and others' sexual health and wellbeing. HWB 3-47b/HWB 4-47b
I understand that a wide range of different types of friendships and relationships exist HWB 2-44A	I know how to access services, information and support if my sexual health and wellbeing is at risk. I am aware of my rights in relation to sexual health including my right to confidentiality, and my responsibilities, including those under the law. HWB 3-48a/HWB 4-48a
I recognise how my body changes can affect how I feel about myself and how I behave HWB 2-47A	I know where to get support and help with situations involving abuse and I understand that there are laws which protect me from different kinds of abuse. HWB 3-49b/HWB 4-49b

WDC HWB Pathway

<https://sites.google.com/ourcloud.buzz/healthandwellbeing/progression-pathway?authuser=0>

Learning & Careers

Work Experience and Volunteering Opportunities

West Dunbartonshire Council have developed strong approaches to work placements and volunteering opportunities as a means of developing the employability skills of young people. Often these opportunities are provided through

links with local businesses in surrounding communities and/or local charities or voluntary organisations. As the placing service, we have a duty of care to ensure that the receiving organisation is a safe, welcoming and learning-focused environment for the young person. This may require a risk assessment to be completed in order to ensure that the LGBT+ young person will not be subject to any undue risks or discriminatory practice and that the new working environment meets the standards of this guidance. Any discussions with potential placement providers are subject to the young person's right to privacy and therefore personal details such as sexual orientation or gender identity should never be disclosed.

A discussion with the LGBT+ young person and (if appropriate and with their permission) their family should be held in order to identify suitable placement opportunities as well as some of the concern areas that the young person may have and the support that will be available to help overcome these.

Privacy & Respect

Confidentiality and Information Sharing

Being lesbian, gay, bisexual or transgender are not in themselves a child protection concern and therefore information about the young person should not be shared with others. Doing so may put them at risk amongst their peers, in their home or force them to 'come out' to others before they are ready to do so.

Staff should never disclose the names of young people they know to be undergoing transition to other staff or students unless they have been given permission to do so.

Staff should be clear with the young person that they may need to discuss the matter with their SLT/Pupil Support Team as appropriate in which case consent of the young person should be sought.

Although it is important to understand these specific confidentiality concerns for LGBT+ young people, standard policies and procedures around child protection still apply whenever a young person appears to be at risk, regardless of their sexual orientation or gender identity. In these cases it should be reinforced to the young person that it is the child protection issue that is leading you to follow Child Protection protocols and not their sexual orientation or gender identity.

Families & Additional Support Needs

Almost all parents and carers feel that they need help and advice to fully support their child/ young person expressing gender variance. Parent, carers and schools can learn from each other how best to communicate/teach/support the young person and together they can challenge stereotypes, prejudices and inappropriate behaviours. This prevents mixed messages from home/schools/other professionals that may cause confusion.

Whilst parental involvement and support can be vital in supporting a young person expressing gender variance, not every parent/carer will be immediately understanding or accepting of their gender variant child.

Other parents/carers can be openly hostile. It is important that if a child or young person does not want their parents to know, the school must respect their wishes. Breaking confidentiality to inform parents may put the young person at risk in their own home or force them to 'come out' to others before they are ready to do so.

If, the young person's wish to be known by a different name is not supported by the parents/carers, then the best interests of the child or young person should be the guiding principle and any risk to their health and wellbeing taken into account during any consideration about not implementing their wishes.

If queries are raised by local press agencies these should be passed to the Council's Communications Team and no direct statements should be issued by any staff member.

Transition Arrangements from One School to Another

The management of a move between schools needs consideration and good communication. Robust recording in SEEMiS Latest Pastoral Notes is vital as is the maintenance of the child's electronic chronology. The rights, thoughts, concerns and wishes of the young Gender Variant person and their family or carers need to be established and considered at the earliest opportunity. It is important to note in SEEMiS the knowledge of the parent/carer status whether or not they are aware of their child's gender identity change. It would be good practice to have key contact at each school.

Staff Training & Support - Social Justice

Across the authority, a number of young people in our schools have had the courage to seek help from school staff with regards to their LGBT+ identity.

As a practitioner, it is necessary to reflect on personal values and attitude towards LGBT+ which can be informed by a range of factors including experiences and /or religious background. By considering personally held values, attitudes and behaviours, it is possible to ensure that these do not impact or affect the support and guidance and young people.

Where a practitioner is concerned about how to support any young person, they should contact the Pupil Support Coordinator in their establishment for further advice, guidance and signposting.

Any concerns are supported and recorded using the WDC GIRFEC procedures with guidance sought from local authority via the school's link Education Officer.

The Scottish Government expects that any concerns are dealt with in an appropriate manner by the local authority, whereby teachers are made aware of the relevant sections from the General Teacher Council for Scotland's Code of Professionalism and Conduct, in particular Part 5 on Equality & Diversity. Where teachers raise religious or belief concerns about supporting LGBT+ young people, local authorities may wish to take account of the guidance issued by the Equality and Human Rights Commission on religion or belief in the workplace at:

<https://www.equalityhumanrights.com/en/religion-or-belief-workplace>

The Scottish Government expects all local authorities to consider objections which teachers have.

Where staff are struggling with concerns and practice this can be dealt with by providing appropriate training and awareness raising.

The Experiences and Outcomes in the curriculum are designed to allow teachers the flexibility to include different contexts and themes based on what their learners need to know, that is age and stage appropriate. It may be helpful to share this information with parents and carers. As transgender identities become more common place you may find the following links useful -

<https://respectme.org.uk>

"Talking about transgender people's experiences so that the topic becomes more normalised and better understood, so that people have more awareness. Young people need to know more about what gay and transgender mean. They should be hearing about transgender lives and experiences."

It is important the curriculum reflects that, and enables learners the opportunities to explore this topic.

In 2017, Education Scotland published guidelines on what it expects to be covered through Health and Wellbeing. It notes that learners working in second level and above should be able to 'demonstrate an understanding of diversity in sexuality and gender identity'.

Additionally, young people notice the things that schools don't mention excluding LGBT+ voices, identities and topics in schools, even unintentionally, when young people already know about them, can send out a negative message.

The best approach is to ensure LGBT+ identities and experiences are explicit within subject- specific experiences and outcomes.

Posters and displays

Transgender identities should be included alongside other identities in classroom/school displays. This is to ensure transgender young people feel respected and included in their learning environment, examples are provided below.

Schools could also 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 gender identities;
- Everyone is treated with respect, and
- The school will challenge gender stereotypes

<https://education.gov.scot/improvement/learning-resources/curriculum-for-excellence-benchmarks/>

Education Scotland has developed age and stage appropriate guidance on Improving gender balance and equalities 3-18.

Had I known more about trans identities I would have been more comfortable around trans people who I met both in and out of school.” – Young person

Role models

As long as they are suitable role models for young people, highlighting prominent role models including LGBT+ people as part of age and stage appropriate learning can be helpful for LGBT+ young people. Some transgender examples are:

- Aydian Dowling – fitness instructor and trans man. Finalist in the US Men's Health Ultimate Man contest and featured in Men's Health magazine
- Lana Wachowski and Lilly Wachowski – film-makers. Both siblings are trans women
- Jin Xing – Chinese ballerina, contemporary dancer and trans woman
- Rachael Padman – stellar evolution (formation of stars) and trans woman
- CN Lester – classical musician and non-binary person
- Juno Dawson – author (young people's fiction and non-fiction) and trans woman

The focus on these individuals should be in relation to 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 appropriate. However, if teachers explain at the end of the lesson that a particular professional is transgender, it has a normalising effect and demonstrates inclusion.

Resources produced by Time for Inclusive Education include Icons: Who Made LGBT+ History Moments: That Shaped LGBT+ History and may support the approach outlined above.

Responding to concerns

When dealing with concerns, whether from young people, parents or staff, the most effective approach is to communicate a consistent and accurate message. Their concerns may be based on misconceptions or misinformation, and it may be possible to reassure them.

- **School staff concerns:** If school staff raise concerns about an inclusive approach, the management team should make it clear that, the school has obligations to support all young people, and has a duty of care to ensure the safety, health and wellbeing of all young people, including LGBT+ young people. If a teacher wants to know more about their professional responsibilities, their union, the GTCS or, where applicable, the local authority can provide this.
- **Parent and carer concerns:** Parents' and carers' concerns should of course be taken seriously. If parents or carers of another young person at the school raise a concern, it can be helpful to meet with them to discuss this further. In general, the school's response should be framed in the context of equality for all young people, while being mindful of the school's confidentiality policy. See more information on Confidentiality and Information sharing on pages 19 & 23. There is legislation on personal data and sharing information. More Information on Data Protection Law is in Appendix 1.

Next steps can include:

- Take time to listen to their concerns
- Explain that school has an inclusive ethos and is committed to equality and inclusion
- Address any misconceptions they may have
- Identify whether any additional arrangements or actions are needed to meet the needs of all young people.

Whatever a school chooses to do, it should make it clear to young people, staff and the wider learning community that it is an inclusive environment for everyone, including LGBT+ young people and other young people, where all are respected. If an issue is raised, it is important to respect the rights of all young people, including LGBT+ pupils and others, while ensuring that all legal requirements are met. If the decision is that the rights of a young person, or a group of young people, should be restricted (i.e. they are asked to use a separate facility) that decision can only be

made where the legal requirements are met. It is always preferable to seek mutual agreement from those involved to all arrangements.

Involving young people

One of the best ways to encourage inclusion is to involve young people directly and support their engagement and participation, in a way that suits the young person. It is an opportunity for them to learn and gain support; it allows them to influence the school culture; and helps the school make the right changes and improvements for their school community. Their involvement and participation needs to be relevant and focused. Some methods which schools in Scotland have used include:

- inviting young people to participate in or lead working groups on equality and inclusion
- conducting learner-voice surveys to capture young people's views about how well the school supports LGBT+ inclusion, identify young people's experiences and allow the schools to identify success and improvements These should be anonymous.
- setting up an LGBT+ and allies group, 'Gender Identity and Sexual Orientation Alliance' (GSA), or similar, in school to create a safe space for LGBT+ young people, their friends and anyone questioning their sexual orientation and/or gender identity. The group may also be interested in leading and developing initiatives which support an inclusive ethos. School staff may wish to support young people with this. Many schools in Scotland run extra-curricular groups to include and support young people with sexual orientation and/or gender identity.

Involving parents and carers

The Scottish Schools (Parental Involvement) Act 2006 (<https://www.legislation.gov.uk/asp/2006/8/contents>) provides the legal framework for the formal involvement of parents and carers in the life and work of the school and their engagement in their children's learning. The Act is about improving parents' involvement in all aspects of school life as well as their engagement in their own child's education and in schools more generally. Parental involvement is about parents and teachers working together in partnership to help young people become more confident learners. All the evidence shows when parents, carers and other family members are effectively involved in their children's education, the outcome for their children is better. Communication between parents and carers, school staff and young people – based on positive, honest and constructive relationships are essential to supporting young people and their learning, in dealing constructively with challenges arising, and matters related to young peoples' relationships with others, the young people's identity, or potentially changing identity. It is important to recognise that some parents may be separated but should be involved in their child's learning unless there are specific and already established reasons why this should not be the case. In the circumstances where parents are separated schools should:

- use their already established methods for ensuring communication and engagement with both parents

• recognise that parental separation may complicate matters for the young person and the school, and make appropriate arrangements to continue to engage parents and the young person. Strong relationships with parents will support positive engagement.

Language and terminology

In this section:

This Act applies to education authority schools. Independent and grant-aided special schools will have their own arrangements for the engagement of parents and carers.

“I was in S6 when I was introduced to a teacher who was helpful, very kind and I started talking to him and he opened up an LGBT+ lunch thing where I could go and be who I wanted to be.” –Trans young person

Why language is important

Ensuring that language is respectful and inclusive is central to equality and anti-discriminatory practice. When a teacher uses the correct language, it raises awareness amongst young people, and is reassuring. This section sets out some of the concepts and language used in this guidance. Many people will be unfamiliar with these terms and concepts. This is understandable, and teachers are not expected to be experts in this language. Key points to remember:

- It's always best to check with young people about the words they use and feel comfortable about
- Language is constantly evolving, and terms that might seem unfamiliar at first become commonplace (see appendix 1 for further terms)
- If anyone, whether teacher, young person, parent or carer, does not understand a particular word or underlying concept, it is fine to ask.

Some common terms and underlying concepts

'Gender stereotypes' – despite some recent progress, in society, 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 nurturing, emotional, helpful, attracted to boys, and to conform to ideals of feminine physical attractiveness. These are called gender 'stereotypes', 'gender norms' or 'gender rules'. Many young people find these 'stereotypes' too restrictive; they can experience peer pressure to conform to them or may experience bullying if they are seen to break the 'rules'. Transgender young people 'break' these gender rules

because their gender identity does not match the sex assigned to them at birth, or they express their gender in a way that others do not consider 'normal'.

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 appearance including clothing, speech and mannerisms. Young people may express their gender in ways which are not considered traditionally feminine or masculine.

Transgender identities and terms

'Transgender' and 'trans' are umbrella terms for people whose gender identity differs in some way from the sex assigned to them at birth. The diagram shows 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 LGBT+ young people don't know all these terms
- Their understanding of their identity may be developing
- Language is constantly evolving.

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 whose birth sex is female 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. 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 or the clothes or toys traditionally associated with boys. Trans boys/men will likely use he/him pronouns.

Trans girls/women

People whose birth sex is male 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. 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.

This is different from a boy who some people might perceive as 'feminine' because he enjoys gentle, caring activities or clothes or toys traditionally associated with girls. Trans girls/women will likely use she/her pronouns.

Non-binary people

People who do not identify exclusively as a boy or as a girl. Some people describe gender as a spectrum with 'boy' at one end, 'girl' 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 all aspects of being a boy or a girl
- Some non-binary people may find that how comfortable they feel in any gender fluctuates
- Some non-binary people experience distress about the physical sex characteristics of their body and/or the prospect of pubertal changes – others do not.

The degree to which a non-binary person expresses femininity, masculinity and/or androgyny (combination or absence of masculine and feminine characteristics) is very individual. 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 gender neo pronouns such as 'per' or 'zie'. Non-binary is not to be confused with Gender Fluid which is when someone doesn't feel and/or identify as the same gender all of the time.

Transition

A multi-step process as transgender people begin living their lives in a way that affirms their gender identity. In schools, this will primarily consist of a social transition: young people changing their name, pronoun use and physical appearance (hairstyle, clothes and so on). A small number of young people may begin medical transition while in school. Schools and teachers do not need to be involved in this. The young person may wish school staff who are supporting them to be aware of it.

Gender non-conforming people

People who do not conform to gender stereotypes in clothes and accessories; speech or mannerisms; interests and behaviour. Being gender non-conforming is not the same as being transgender or non-binary. Nonetheless, gender non-

conforming people may experience the same sort of bullying and similar issues at school as trans boys, trans girls and non-binary people.

Sexual orientation and being transgender

Being transgender is separate from a person's sexual orientation. Sometimes these two different concepts are conflated, and assumptions made. It is therefore, helpful for teachers to understand the differences:

- The term transgender describes a person's gender identity
- Sexual orientation describes who an individual is physically and/or emotionally attracted to
- Transgender people can be straight, gay, lesbian, bisexual or any other sexual orientation.

“The difference between gender identity and sexual orientation is between who you are and who you love.”

United Nations Free and Equal campaign

Appendix 1

Policy & Legislation and further information

Education policy and approach

The following context provides the framework for supporting LGBT+ young people in schools.

Education policy and approaches are designed to allow teachers to use their professional judgement to establish the content, context and manner in which they are carried out. If the words 'trans', 'LGBT+' OR 'LGBT+' are not specifically mentioned in policy, it does not mean they should be excluded from your approach or from the curriculum.

Curriculum for Excellence

Scotland's Curriculum - Curriculum for Excellence (CfE) - aims for children and young people to be confident individuals, effective contributors, responsible citizens and successful learners.

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 LGBT+ young people to feel happy, safe, respected and included, their identities need to be positively included in the learning environment, and they need to feel confident that they can talk to school staff.

Under 'Responsibilities for All' children and young people should, 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.

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 outcomes give teachers scope to discuss the experiences of LGBT+ people, and encourage understanding of issues which affect LGBT+ young people and adults. In 2017, the Scottish Government published guidelines on what it expects to be covered through Health and Wellbeing. It notes that learners working at Level 2 and above should be able to 'demonstrate an understanding of diversity in sexuality and gender identity'.

Relationships, Sexual Health and Parenthood

In September 2019 a new national online Relationships Sexual Health and Parenthood resource was published. This resource will strengthen the delivery of RSHP education across the country through provision of learning activities that are age and stage appropriate for use in all education settings. The resource includes learning material on healthy relationships, consent, physical and sexual abuse, sexual health and reproduction, emotional wellbeing, stereotypes and equalities, gender and parenthood, all of which are areas that young people have told us they want to learn about. LGBT Inclusive Education recommendations. The LGBT inclusive education working group made a suite of recommendations to promote and support consistent and effective delivery of LGBTI inclusive Education in all schools. More information can be found [here](#)

Improving gender balance and equalities 3-18

Improving Gender Balance and Equalities (IGBE) provides age and stage appropriate resources and research for practitioners to help:

- challenge gender stereotypes;
- address unconscious bias;

- improve gender balance in subject uptake and learner pathways;
- promote whole-establishment approaches to equality.

Getting it right for every child

Getting it right for every child (GIRFEC) is the national approach in Scotland to improving outcomes for young people through promoting, supporting and safeguarding their wellbeing so that they can become confident individuals, effective contributors, successful learners and responsible citizens. It aims to provide support that is easy to access and responsive to the wellbeing needs of children, young people and their parents, through an approach that is:

- Child-focused: ensuring the child or young person, and their family, are 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 issues are not addressed in isolation from their individual circumstances, their strengths, and their resilience.
- Easily accessed: identifying a need as early as possible so that effective support is offered at the right time and before those needs get worse
- Joined-up: the child or young person, their parents and professionals work together to consider what help is required, involve the services needed to support them, and ensure co-ordination of services where beneficial through a single planning process.

All young people need to be nurtured, included, healthy, active, achieving, respected, responsible and above all safe. Consideration of wellbeing is based on those needs in the context of a young person's world and unique circumstances, as well as their strengths and factors that affect their resilience.

For LGBT+ young people, the Getting it Right for Every Child approach means support should be holistic and they should be at the centre of any assessment, identification of solutions and support, decision making and planning.

- Schools should actively ensure that the school culture and Getting it Right for Every Child approach is inclusive of and responsive to LGBT+ identities, even if there are no 'out' LGBT+ young people in the school. This helps to raise everyone's awareness and prevent transphobic bullying.

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

The UNCRC applies to all young people and underpins the approach to children's rights in Scotland.

The articles of the UNCRC are an important reference in supporting LGBT+ young people. For example:

- Article 2 ensures the right to protection from discrimination. Discrimination is being treated unfairly because of who they are. LGBT+ young people have the right to fair treatment in school. Refusing to accommodate a LGBT+ 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 LGBT+ young person at the heart of decisions made about them
- Article 6 requires children and young people to have a right to life, to survive and develop. LGBT+ young people have the right to develop and grow in school, and this article states clearly that they should be supported in that. LGBT+ young people are more likely to suffer from suicidal thoughts and self-harm than their peers
- Article 8 details the right to an identity. It doesn't specifically name LGBT+ young people or gender identity but it clearly states that parties should respect the right of the child to their own identity and name
- 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. This is, therefore, important when making decisions about LGBT+ young people in school settings
- Article 16 ensures a child's right to privacy. If a young person comes out as LGBT+ there is no immediate need to inform their parents or others. See more on confidentiality and information sharing on pages 19 & 23.
- Article 17 gives children the right to information that is important to their health and wellbeing. For LGBT+ young people, this includes telling them about the support available
- Article 19 gives children the right to be protected from being hurt and mistreated, physically or mentally. Schools have a key role in keeping LGBT+ young people safe from bullying, including transphobic bullying
- Articles 28 and 29 ensure the right of all young people to an education. This can be achieved if LGBT+ identities are respected and included in the school environment. Rights-based approaches can be a very powerful way to engage with learners in relation to a wide range of issues.

Legislation

The Equality Act 2010

The 2010 UK Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The Act covers discrimination based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These categories are known in the Act as ‘protected characteristics’.

The Act provides certain protections for those with a protected characteristic, this includes protections from discrimination, harassment and victimisation. Chapter 1 of the EHRC Technical Guidance for Schools in Scotland (<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland>) provides an overview of the schools provisions of the Act, including what may be lawful, unlawful and whether exceptions may be available

Equality Act exceptions:

The EHRC’s Services, Public functions and Associations: Statutory Code of Practice sets out that “The basic presumption under the [Equality] Act is that discrimination because of the protected characteristics is unlawful unless any exception applies and any exception to the prohibition of discrimination should generally be interpreted restrictively.”

Section 195 of the Act provides for single-sex and exceptions in relation to LGBT+ persons for competitive sport provided under Part 3 of the Act. Schools will wish to carefully consider whether the activities they are planning would be considered competitive sport, or physical activity and sport as part of the Health and Wellbeing Curriculum. The EHRC’s Services, Public functions and Associations: Statutory Code of Practice provides further advice on this exception.

“Competitive sport – sex and gender reassignment

For sporting competitions where physical strength, stamina or physique are significant factors in determining success or failure, the Act permits separate events to be organised for men and for women.

If the physical strength, stamina or physique of the average person of one sex would put them at a disadvantage compared to the average person of the other sex as competitors in a sport, game or other competitive activity, it is not unlawful for those arranging the event to restrict participation to persons of one sex.

The 2010 Act permits the organisers of such a sport, game or other competitive activity to restrict participation of a transsexual person in that activity but only if this is necessary in a particular case to secure fair competition or the safety of other competitors.”

There are also single-sex exceptions in the Equality Act 2010 for services under Part 3, Services and Public Functions. The EHRC’s Services, Public functions and Associations: Statutory Code of Practice provides further advice on this exception

Gender reassignment discrimination and separate and single-sex services

If a service provider provides single- or separate sex services for women and men, or provides services differently to women and men, they should treat transsexual people according to the gender role in which they present. However, the Act does permit the service provider to provide a different service or exclude a person from the service who is proposing to undergo, is undergoing or who has undergone gender reassignment. This will only be lawful where the exclusion is a proportionate means of achieving a legitimate aim.

The 2010 Act also contains an exception relating to communal accommodation. The EHRC's Technical Guidance for Schools sets out that "Communal accommodation' is residential accommodation that includes dormitories or other shared sleeping accommodation, which, for reasons of privacy, should be used only by persons of the same sex. It can also include residential accommodation that should be used only by persons of the same sex because of the nature of the sanitary facilities serving the accommodation." The guidance also sets out the matters which a school would wish to take into account in relation to the exception.

Legitimate Aim

The EHRC's Technical Guidance for Schools sets out that in the context of school education, examples of legitimate aims might include:

- ensuring that education, benefits, facilities and services are targeted at those who most need them;
- The fair exercise of powers;
- ensuring the health and safety of pupils and staff, provided that risks are clearly specified;
- maintaining academic and behaviour standards; and
- ensuring the wellbeing and dignity of pupils.

Further information about legitimate aim in the context of discrimination is available in the EHRC's Technical Guidance for Schools in Scotland

What does guidance say about gender reassignment?

The EHRC Technical Guidance for Schools sets out that gender reassignment "is a personal process (rather than a medical process) that involves a person moving away from his or her birth sex to his or her preferred gender and thus expressing that gender in a way that differs from, or is inconsistent with, the physical sex with which he or she was born. This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to

dress in a different way as part of the personal process of change. A person will be protected because of gender reassignment once:

- he or she makes his or her intention known to someone, regardless of who this is (whether it is someone at school or at home, or someone such as a doctor);
- he or she has proposed to undergo gender reassignment, even if he or she takes no further steps or decides to stop later on;
- There is manifestation of an intention to undergo gender reassignment, even if he or she has not reached an irrevocable decision
- He or she starts or continues to dress, behave or live (full-time or part-time) according to the gender with which he or she identifies as a person;
- He or she undergoes treatment related to gender reassignment, such as surgery or hormone therapy; or
- He or she has received gender recognition under the Gender Recognition Act 2004. (<https://www.legislation.gov.uk/ukpga/2004/7/contents>) It does not matter which of these applies to a person for him or her to be protected because of the characteristic of gender reassignment”.

Data Protection Law

There is also legislation on processing (including sharing) personal information related to young people.

The UK General Data Protection Regulation (UK GDPR) together with the Data Protection Act 2018 (<https://www.legislation.gov.uk/asp/2018/12/contents>) provides the legal framework for the processing of personal data. They regulate the processing, including the collection, use and disclosure of personal data, and gives individuals certain rights in relation to their personal data. Children have rights in their own regard where they have sufficient maturity and understanding to do so, which they are presumed to do from age 12. This means that schools should ensure that LGBT+ young people's rights to processing of their personal data including, where relevant, consent should be met, and that their rights in relation to appropriate use of data within schools should be upheld.

The Education (Additional Support for Learning) (Scotland) Act 2004

This Act states that a child or young person has additional support needs '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'.

The legislation may apply to any young person experiencing bullying or discrimination. It also applies to children and young people experiencing poor mental

health, where these matters cause a barrier to the child or young person's mental health.

Children and Young People (Scotland) Act 2014

The Children and Young People (Scotland) Act (<https://www.legislation.gov.uk/asp/2014/8/contents>) places a duty on Scottish Ministers to keep under consideration whether there are any steps which they could take which may secure better or further effect in Scotland of the UNCRC requirements, and if appropriate, take those steps. Schools should be mindful of this and of the duty on local authorities to report on the steps taken to secure better or further effect within its areas of responsibility of the UNCRC requirements.

The Offences (Aggravation by Prejudice) (Scotland) Act 2009

This Act (<https://www.legislation.gov.uk/asp/2008/8/contents>) creates a statutory aggravation for crimes where at the time of committing the offence, or immediately before or after doing so, the offender evinces (demonstrates) malice and ill-will towards an individual based on their actual or perceived sexual orientation, LGBT+ identity or disability. The statutory aggravations can also apply if it is proved that the offence was motivated by malice and ill-will towards persons who have those characteristics. 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 this into account when determining a sentence. This can lead to a longer custodial sentence, higher fine or a different type of sentence.

For more information see: <https://www.scotland.police.uk/advice-and-information/hate-crime/>

The Age of Legal Capacity (Scotland) Act 1991

This Act (<https://www.legislation.gov.uk/ukpga/1991/50/contents>) states that a child of 12 and over is presumed to have sufficient capacity to make decisions, and enter into formal agreements on their own behalf. This includes to instruct a solicitor, to sue on their own behalf and consent to their own medical treatment, and to enter into transactions usual for a child of that age. As is noted below, a young person cannot undertake the process of changing their sex on their birth certificate until they are 18 years of age. Further information on medical transition and puberty is also available below. These should be read together.

The Gender Recognition Act 2004 and legal recognition

The Gender Recognition Act (<https://www.legislation.gov.uk/ukpga/2004/2/contents>) created a process for the legal recognition of an individual's acquired gender, which enables changing the sex recorded on a person's birth certificate.

If an individual is 18 years or older, has lived in a way that affirms their gender identity for at least two years, intends to continue living in the acquired gender, and has been diagnosed as having gender dysphoria, they can apply to receive a Gender Recognition Certificate (GRC). A GRC enables individuals to change the sex recorded on their UK birth certificate. An individual can receive a GRC without having undergone hormone treatment or surgery.

Puberty and medical transition

LGBT+ young people may recognise and discuss their gender identity at any age. Before puberty, any transition or change is limited to socially changing their name, pronoun and gender expression. These aspects do not need medical or healthcare involvement.

The onset of puberty can often confirm feelings of 'gender dysphoria' when the body begins to change and develop in ways which are inconsistent with the young person's gender identity. This can be very distressing and LGBT+ young people may develop negative ways of coping such as self-harming.

It is important to recognise that not all young people who identify as LGBT+ seek medical assistance to transition, want medical treatment or need it. In Scotland, medical interventions for LGBT+ young people (under 18) take place at the Young People's Gender Service (YPGS), based at Sandyford Services in Glasgow. Referral can be made before puberty, though the main focus of the service is on young people who are in early puberty and onwards.

LGBT+ young people can be referred to the clinic by:

- Their GP
- Their parents or carers
- An outside agency
- Self-referring.

There is a waiting list, so young people may wait some time before an appointment is offered with the clinic. This can be very difficult for some young people. The school, their families and outside agencies often have to support LGBT+ young people at this time.

Following assessment, if the YPGS diagnoses a young person with 'gender dysphoria', it can offer ongoing support. For some young people this may also involve a variety of different medical interventions.

Appendix 1 Definition of Term

Asexual: A person who does not experience sexual attraction. Asexual people can experience platonic attraction but may have no sexual desire or need within their relationships.

Bisexual: A person who is emotionally and/or physically attracted to people of more than one gender or regardless of gender. Historically definitions of bisexual refer to 'an attraction towards men and women' however many bisexual people recognise that there are more than two genders. Some people use the term 'Pansexual' to more explicitly recognise more than one gender.

Cisgender: Individuals who have a match between the gender they were assigned at birth, their bodies, and their personal identity. In other words, those who are not, or do not identify as transgender.

Gay: someone who is emotionally and/or sexually attracted to people of the same gender.

Gender Fluid: A person whose gender is not static and changes throughout their life. This could be on a daily / weekly / monthly basis and will be different for everyone.

Straight/Heterosexual: someone who is emotionally and/or sexually attracted to people of the opposite gender.

Intersex: Someone whose biological sex is different in some way from what is traditionally considered clearly male or female. There are many ways to be intersex, it's not just about external genitalia. It can also be because of differences in reproductive systems, chromosomes, or hormones. This may be apparent at birth or become apparent later in life - often at puberty, or when trying to have a child. Some people never find out that they're intersex.

Lesbian: A girl or woman who is emotionally and/or sexually attracted to other girls or women.

Non-Binary: Gender identities that are not exclusively male or female. People can be both male and female, neither, or their gender may be more fluid (i.e., unfixed, and changeable over the course of time). Many view gender as a one dimensional spectrum with male on one end, female on the other, and non-binary in the middle – but the reality is that gender is often more complex.

Pansexual: A person who is emotionally and/or sexually attracted to anyone regardless of gender (see also “Bisexual”).

Transgender: An umbrella term for those whose gender identity or expression differs in some way from the gender assigned to them at birth and conflicts with the ‘norms’ expected by the society they live in. Included in the overall transgender umbrella are transsexual people, non-binary gender identities and cross-dressing people.

Queer: An umbrella term used for diverse sexual orientations or gender identities that are not heterosexual and do not fit within a gender binary. It may be used to challenge the idea of labels and categories such as lesbian, gay, bisexual, or transgender. It is important to note that it is an in-group term and may be considered offensive to some people.

Educational Services

Supporting LGBT+ Pupils

Author: Claire Cusick

Service: Educational Services

Last Updated: March 2023

Appendix 2 Resources and supports

There are a number of organisations and resources which may provide help and support to schools, young people and their families.

There are a range of organisations which provide support and advice to young people about their wellbeing. Schools and education authorities will have local arrangements for the provision of support for health and wellbeing. National organisations can also provide advice and information to young people.

Childline

Can provide a source of advice and information and online support for all young people on their wellbeing.

<https://www.childline.org.uk/>

Young Scot

Provide young people with:

- a one-stop-shop of high quality information and opportunities through the national digital platform;
- opportunities and experiences through the Young Scot National Entitlement Card,
- opportunities to develop new ideas and solutions, to create positive change through our Service Design offer, and take part in participation initiatives through our Outreach Service and Schools Strategy.

<https://young.scot/>

LGBT+ Youth Scotland

Scotland's national charity for LGBT+ young people, works with 13–25 year olds across the country. Their website includes resources, services and support for transgender young people (including online support). They support schools through the LGBT+ Schools Charter programme and provide training on supporting and including transgender young people.

Scottish Trans Alliance

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. Their website includes a wide range of information including links to support groups for parents. <https://scottishtrans.org>

Stonewall Scotland

Deliver training, produce resources and develop membership programmes to empower teachers and education professionals to tackle homophobia, biphobia and transphobia in schools and colleges. <https://stonewallscotland.org.uk>

Time for Inclusive Education (TIE) & LGBT+ Inclusive Education Report Recommendations

A Scottish charity that aims to combat homophobia, biphobia and transphobia in schools with LGBT+-inclusive education <https://tie.scot>. They provide a range of services, from teacher training to year group assemblies and various workshops. They also offer resources on cross curricular inclusion with a focus on LGBT+ History (Moments), LGBT+ role models (Icons) and a resource on LGBT+ groups in schools. Staff can access free curriculum resources and professional learning at <https://lgbteducation.scot/>. The platform is managed by Time for Inclusive Education on behalf of the Scottish Government, and is endorsed by a variety of stakeholders, including those in the education sector.

Mermaids

UK wide charity that supports children, young people, and their families and works to raise awareness about gender nonconformity in children and young people. <https://mermaidsuk.org.uk>

Young People's Gender Service– Glasgow

A multi-disciplinary team based in Glasgow who specialise in working with young people aged 17 and under, experiencing uncertainty or distress about their gender. The Service provides clinical input for young people and their families from across Scotland, as well as consultation and training to professionals and other agencies. <https://www.ngicns.scot.nhs.uk/information/children-and-young-people/>

The following resources can provide support to schools and schools staff to provide learning and teaching which is age and stage appropriate.

Y-Sort-It

An LGBT+ Youth Group in West Dunbartonshire Council.
5 West Thomson Street
Clydebank G81 3EA
T: 0141 941 3308
E: info@ysortit.com

Togetherall

Togetherall is a safe, online community where people support each other anonymously to improve mental health and wellbeing. <https://togetherall.com/en-gb/>

CRISIS Counselling

CRISIS provides counselling and support to people who need it when they need it.-
Crisis Counselling Ltd. Riverside House, Old Ferry Road, Erskine, Renfrewshire PA8
6AX Tel: 0141 812 8474

info@crisiscounselling.co.uk

LIFELINK

Lifelink's one to one support gives young people the opportunity to discuss any issues that may be affecting them. Our counsellors will work on ways to overcome any difficulties they have so that they can go back to feeling positive again.

<https://www.lifelink.org.uk/>

Films

My Genderation

A film project set up to record the experiences and perspectives of gender variance. Their mission is to create short films which accurately represent individual journeys relevant to gender expression and self-identity. Suggested films for use in Scottish schools include: Luke, Reuben, Rueben six months later, Captain Hannah and Private Mel. <https://mygenderation.com/>

Books

Suggested books for primary schools use are:

- Red, a crayon's story, by Michael Hall
- Are you a boy or are you a girl, by Sarah Savage and Fox Fisher
- I am Jazz, by Jazz Jennings (picture book)
- Introducing Teddy, by Jessica Walton
- Who are you, by Brook Pessin-Whedbee
- Suggested books for secondary schools to use are:
- The art of being normal, by Lisa Williamson
- I am J, by Cris Beam
- If I was your girl, by Meredith Russo
- Rethinking normal by Katie Rain Hill
- TransMission by Alex Bertie

Other resources

Pop'n'Olly is an LGBT+ and equality educational resource used by children, parents, carers and teachers. There are a range of videos and books which support teaching and learning about equality, diversity and acceptance.

Please note, the use of documentaries and books should be reviewed in advance to check whether content is age and stage appropriate

Appendix 3 – Frequently Asked Questions

Is this guidance not more applicable to older pupils rather than primary pupils?

Many LGBT+ people reveal that they knew about their identity as soon as they had a sense of themselves – even if they didn't have a vocabulary to express it. Even if students do not identify as LGBT+, members of their family or friends may do or they will see and hear about LGBT+ people online. The students may have questions they want to learn more about.

Is it still ok to call groups of female pupils 'girls' and groups of male pupils 'boys'?

When working with a single-sex group then this can be appropriate, but do ask yourself – would I necessarily know if any of these pupils identify otherwise? If you have the opportunity, ask the students themselves what they like to be called – individually and as a group. Ensure there is chance for young people to answer anonymously. Gender-neutral alternatives could be: folks, learners, people, peeps, S1, Primary 7 etc.

Check list for transgender pupils

- >Thank young person for sharing this information
- >Alert staff to correct name/pronoun with young person's consent
- >Confirm appropriate facilities
- >Change name in known as in SEEMiS
- >Change gender in SEEMiS
- >Change information with Examination Body
- >Regular check-ins

A pupil approaches class teacher or support staff, asking to change pronouns and name(s)

This is a difficult one, with lots of challenges but ultimately the request can be respected.

The Named Person oversees support and actions related to formal changes in Seemis.

Ask the pupil if their parent(s) are aware of and support their request. If not, encourage the pupil to have the conversation at home before making any changes.

If the parent(s) are supportive of the change, we can make the change and note in LPN that the parents are supportive. Alert all staff of the change and inform the pupil that, although staff will do their utmost to remember, there may be cases where they may forget. The name may be changed in SEEMiS **if we have written permission from both parents**. However, if that is not the case, we can add the new name as a “known as”. Remember to update the various aspects of SEEMIS so that the information is throughput to the examination body for certification, etc.

If the pupil is under 12, and if we do not have consent from parents, no change can be made.

If the pupil is 12 or over, parental consent notwithstanding, we can alert staff of the change. LPN must be updated with the consent status and the name may be added to the “known as” information on SEEMIS. **Please remember that the pupil has the legal right to confidentiality.** It is, therefore, crucial that in any letters, reports, phone calls, parents’ nights etc., the pupil is referred to by their original name and pronouns. The new name and pronouns should be used internally, in school. In this case, systems should be put in place e.g., the pupil’s Pastoral Care teacher making an effort to remind staff of what names to use and the confidentiality aspect prior to reporting cycles and parents’ evenings.

Gender specific lessons

In circumstances where a lesson has to be presented to a specific gender in school (school nurse, visiting speaker etc.), pupils should be treated as the gender in which they present. That is, trans girls should be permitted to participate in female only lessons and trans boys in male only lessons.

Trans pupil changing in PE, Accommodation on Residential Trips

For reasons of privacy, dormitories, changing and shower facilities etc. should only be used by persons of the same sex – not gender.

To avoid difficulties, it may be reasonable to consider using separate changing facilities, if possible, for trans pupils. This will reduce the possibility of bullying etc. taking place.

Sports, Games

There is an exception written into the Equality Act 2010 which provides for single sex events in **competitive** sport. Schools will wish to carefully consider whether the activities they are planning would be considered competitive sport, or physical activity and sport as part of the HWB curriculum. If the activity cannot be argued to be competitive sport, then pupils may be grouped in gender groups.

Appendix 4 SEEMiS Information

All education authority schools in Scotland are expected to use the SEEMiS management information system, to record and monitor bullying incidents in schools. SEEMiS now enables schools to record any underlying prejudice or other negative attitudes reported in an incident of bullying, including those relating to a protected characteristic under the Equality Act 2010.

Therefore, schools are expected to record incidents of transphobic bullying, specifically detailing the transphobic elements. This allows schools to accurately monitor incidents; how they responded; and the impact.

The appropriate menu to use in SEEMiS Click+Go to record an incident of bullying is Application>Management>Bullying & Equalities>Maintain Incident

In line with GIRFEC and The Learners Journey, historical information cannot be removed from pupil record.

The help sheet for this menu item can be found on the SEEMiS website (<https://www.seemis.gov.scot/>). Once on the website, click Login and log in with your SEEMiS Click+Go username/password. Once logged in, click on the Help Pages menu then Click+Go and then Management - Bullying & Equalities.

Changing name and recorded sex

Young people can simply choose to tell others informally that they want to use a different name. They don't have to change their name on their official school record. To keep a record of this and improve consistency in staff practice, education authority schools can update the school records held in SEEMiS using the box 'Known As' which can be used to record other names a young person may use in school. Before updating their record it is important to discuss this with the young person to ensure that they would like all teachers in the school to be aware of their name change.

If a young person wants the school to record the change of name and/or change of recorded sex formally, they (with their parents or carers if under 16) should write to the school to instruct this. Letter, email or any other form of written communication is sufficient. Schools do not need to ask for anything else as a name change can be made at any time in Scotland. Changing the recorded sex in SEEMiS has no effect on a young person's legal sex.

The “Known As” and “Sex” fields can be found in SEEMiS Click+Go in the tab labelled “Basic” in menu Application>Records>Edit. To change the “Known As” field, the user has to click on the padlock button beneath the name fields.

Help pages can be found as per the information above on Bullying & Equalities.

A young person or their parent can also officially record their change of name at the National Records of Scotland (see below), however, they are not required to do this to give effect to an amendment to the pupil’s school record. Schools should accept the written request from the young person and/or their parent or carer as sufficient to make the change to the pupil’s record. There is sample text in the appendix 5

Recognising the rights of all parents and carers, it is recommended that consent is obtained from all of those with parental responsibilities for those young people under 16. Bringing parents into this discussion at as early a point as possible would be helpful. It is often said that school records are considered a legal record. This reflects the processing of the information within the school record in line with a regulatory requirement. However, no legal steps are required for a change of name or recorded sex within a school record.

How to change the record within the SEEMiS system

Once the letter has been received, the school can then change the name and sex recorded on the official administration recording system (SEEMiS) and other school files. With the correct level of SEEMiS administration access, such as the school’s business manager or senior management team, the school can then update the name and recorded sex of young people.



Change of name and recorded sex screen on SEEMiS in Application>Records>Edit in the tab labelled “Basic”. To be able to change the name, the user has to click on the padlock button beneath the name fields.

Changing names and the sex recorded on administration systems does not affect the Scottish Candidate Number, and the examination body does not require any

documentation. The school simply needs to update the young person's candidate record:

Note: At present there is no official way to record a young person's pronoun on SEEMiS, however schools can record this information in the young person's file. There is also no option for non-binary identities to be recorded. Schools can ask if the young person prefers one sex over another to be on the official record.

Data protection

Data held within SEEMiS is controlled by the local authority and may be shared out with the school for legitimate education authority functions and council business such as electoral registration.

All school records must be created, processed, transferred, and destroyed in line with the requirements of the Pupils' Educational Records (Scotland) Regulations 2003 (<https://www.legislation.gov.uk/ssi/2003/581/contents/made>), and the requirements of data protection law. Although changes in recorded sex and name are not specifically flagged to local authorities they will hold this data along with all other information on SEEMiS. Under data protection legislation schools should inform LGBT+ young people and their families that any changes made to SEEMiS will be recognised by the local authority, including for purposes such as the electoral roll – schools should not take any additional steps to share this information. The changes will appear automatically, without needing to be flagged.

Points to Consider

There is no reason why a LGBT+ young person's name and sex cannot be changed on school information management systems. The following is recommended:

The young person or parent should send in a written request (see sample letter in the appendix). For those under 16, there must be consent from their parents and carers.

If a young person (over 16) has requested this but has not spoken to their parents/carers 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 identities on SEEMiS. Schools can ask if the young person prefers one sex over another to be on the official record.

This does not affect a young person's Scottish Candidate Number.

Appendix 5 Letter Template

Sample text: to request change of name and recorded sex

We [insert full names], the parents/guardians of [insert young person's name as it appears on current records], in accordance with their wishes request for them to now be known as [insert young person's new name].

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

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

We also request in accordance with the wishes of [insert young person's new name] that all locations where gender is recorded, including on SEEMIS, are updated to record the gender of [insert young person's new name] as [insert male of female] and that the pronouns [he/him or she/her] are used when referring to [insert young person's new name].

Yours faithfully
[Insert full names]

Appendix 5 Policy Template

XXX School LGBT+ Policy August 202X

We strive to make XX School a safe and inclusive place for all where diversity is not only respected but celebrated. Schools have a duty to promote the safety and wellbeing of all children and young people in their care, including lesbian, gay, bisexual, and transgender pupils and those experiencing homophobic, biphobic or transphobic (HBT) bullying.

We are committed to promoting a positive and diverse culture in which all people are valued and supported to fulfil their potential irrespective of their age, disability, race, religion or belief, gender-reassignment, sex, or sexual orientation.

We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with including our employees, learners/young people, and visitors.

We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions.

Equality Act 2010

Schools are required to eliminate discrimination on the grounds of sexual orientation and gender reassignment. This includes tackling HBT bullying. Schools are also required to advance equality of opportunity and foster good relations. This means that schools should go beyond tackling HBT bullying and take proactive steps to promote respect and understanding of LGBT people and issues.

The school aims...

- To provide an inclusive environment in which LGBT pupils, families and staff are valued and respected.
- To promote understanding of and support the needs of LGBT pupils, families and staff.
- To “normalise” LGBT awareness and issues through the provision of an inclusive curriculum.
- To monitor and tackle homophobic, biphobic and transphobic (HBT) language and bullying.

The school seeks to achieve these aims...

- By ensuring that school policies and practices are inclusive and supportive of LGBT people and explicitly state that HBT language and bullying are unacceptable.
- By providing training to staff in supporting LGBT pupils, developing an LGBT-inclusive curriculum, and tackling HBT language and bullying.

- By providing support structures and information/resources to LGBT pupils on LGBT issues and support services.
- By providing pupils with LGBT-inclusive Relationships and Sex Education (RSE), opportunities to discuss gender identity and sexuality, and including LGBT people and themes in the Personal and Social Education (PSE) and wider curriculum where relevant.
- By providing ways for pupils to report HBT language and bullying, monitoring (including through staff and pupil surveys) and recording HBT language and bullying, as well as ensuring that pupils are aware that HBT language and bullying are wrong.
- By ensuring that the school library contains books with LGBT themes and that any assemblies, projects or displays which celebrate diversity or tackle bullying are LGBT-inclusive.
- By maintaining an inclusive school dress code.
- Ensuring that gendered aspects of school life are avoided where possible.
- By participating in the Stonewall School Champions programme (**amend to suit the programme you will follow**), including the School Role Models programme.
- By nominating a member of staff as the school LGBT lead to monitor the implementation of this policy and provide training and additional support and advice to pupils and staff.

Identities and “Coming Out”

Being LGBT is not a child protection issue or wellbeing concern in itself. You can however talk to others if what you say would not specifically identify a young person or breach their confidentiality. A young person may not have told their family about their sexual orientation or gender identity. Inadvertent disclosure could cause needless stress for the young person or could put them at risk. Therefore, it is best to not disclose information to parents or carers unless there is a clear safeguarding issue.

We recognise all LGBT+ identities at our school and we do not deny the existence of a valid identity. We will also not question an identity or deny it as a “phase”. In particular, we recognise the existence of people who are:

- Asexual
- Bisexual
- Cisgender
- Gay
- Straight/heterosexual
- Gender fluid
- Intersex
- Lesbian
- Non-binary
- Pansexual
- Queer
- Transgender³

We also acknowledge that many people do not fit under specific labels. We recognise gender and sexual orientation as spectra.

³ See appendix 1 for definitions of these terms

Transgender and non-binary Pupils

We recognise that pupils who are transgender or non-binary can have specific needs. As with other identities, we do not deny existence, question an identity, or deny it as a “phase”. Thus, when any pupil comes out as transgender (including non-binary), we will consider:

- What they would like to happen.
- How they would like to be known in the school i.e. what name pro-nouns they would like to use.
- What facilities they would like to use and what can be put in place - Considering toilets, PE changing rooms etc.
 - Non-binary pupils will be consulted as to what facilities they would feel most comfortable with.
- Whether and how class teachers/school staff will be informed (with the permission of the pupil).
- Engagement with parent(s) and carer(s) and information the young person wishes to be shared.
- Signposting to GP (young person may already have done this).
- Signposting to other relevant supports (LGBT+ group), other agencies etc.
- Name/identity changes on SEEMIS and parent(s) and carer(s) consent for this change.
- Consider support for siblings and other family members if necessary.

In all cases, we will be led by the needs and views of the pupils. The document “[Supporting Transgender Pupils in Schools - Guidance for Scottish Schools](#)” (August 2021) will be used for further guidance if required. We will also seek support from the West Dunbartonshire Education Services.

In all our decision making we will seek to balance the needs of those with protected characteristics. If a complaint is raised, we will take time to be proportionate and reasonable in our response, considering the issue raised carefully and any evidence of risk/ detrimental impact on pupils.

