

## **Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2001](#): 'Withdraw the 'Supporting transgender young people in schools' guidance from Scottish schools, E Phillips on behalf of - Safeguarding Our Schools - Scotland**

### **Brief overview of issues raised by the petition**

This petition seeks the withdrawal of the Scottish Government's '[Supporting transgender young people in schools: guidance for Scottish schools](#)'.

The petitioners are concerned that affirming social transition in school will lead to an increase in young people making referrals to gender identity services.

#### **The guidance**

The guidance was published on 12 August 2021. It is non-statutory and is aimed at helping all schools in Scotland (education authority, grant-aided and independent schools) to support trans young people. It provides practical advice, information and signposts to age and stage appropriate resources. However, it is for schools to ensure that their policies, practices and information take full account of the legal requirements of the relevant legislation.

The petitioners argue that the guidance:

“encourages teachers to affirm the social transition of children who say they are trans, to use their chosen pronouns and to avoid misgendering, alongside changing pupils' names and their sex on official school records.

The guidance includes a section on changing name, sex and pronouns (page 22). It states:

“Some young people who are transgender change their name and/or pronouns, while others don't. 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.”

The guidance provides advice on how to record a pupil’s name change, depending on whether it is an informal or formal name change.

For an informal name change, it doesn’t have to be changed on the pupil’s official school record. A record could be kept to improve consistency in staff practice, via [SEEMiS](#) using the ‘Known As’ box. This would follow a discussion with the pupil that they would like all teachers to be aware of their name change.

For a formal name change, where the school record is changed with the new name and sex, the pupil, with their parents/carers if under 16, should write to the school to instruct this. The guidance states: “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 request a legal name change at the National Records of Scotland. However, this is not required to amend 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.”

The guidance recommends that consent is obtained from those with parental responsibilities for young people under 16 and that bringing parents into this discussion at “as early a point as possible would be helpful.”

On using pronouns, the guidance states:

“Using particular pronouns is an indication of someone’s gender identity. Staff should take care not to ‘out’ a young person by using a pronoun which differs from the one which the young person usually uses in public. Similarly, staff and young people should avoid misgendering a transgender young person. Using the correct pronouns is the right and respectful approach to including transgender young people. Where the wrong pronoun is accidentally used they should simply apologise and try not to do this in the future.”

It further advises:

- If supporting a trans young person, to be led by them, checking what pronoun and/or name should be used and which circumstances. This may change over time and is part of the process of their transition.

- Staff and young people should avoid ‘deadnaming’, which is when someone intentionally calls a trans young person by their previous name. This can be distressing for the young person or viewed as bullying. If someone accidentally calls a person by their previous name, “they should simply apologise and try not to do this in the future.”

## **The Cass Review**

The petition refers to the [Cass Review](#). This was commissioned by NHS England and NHS [Improvement](#) in Autumn 2020 to make recommendations about the services provided by the NHS to children and young people who are questioning their gender identity or experiencing gender incongruence.

The [Interim report](#) (Feb 2022) said:

- The rapid increase in the number of children requiring support and the complex case-mix means that the current clinical model, with a single national provider, is not sustainable in the longer term.
- More needs to be known about the population being referred and outcomes. There has not been routine and consistent data collection, which means it is not possible to accurately track the outcomes and pathways.
- There is lack of consensus and open discussion about the nature of gender dysphoria and therefore about the appropriate clinical response.
- Because the specialist service has evolved rapidly and organically in response to demand, the clinical approach and overall service design has not been subjected to some of the normal quality controls that are typically applied when new or innovative treatments are introduced.
- A fundamentally different service model is needed which is more in line with other paediatric provision, to provide timely and appropriate care for children and young people needing support around their gender identity. This must include support for any other clinical presentations that they may have.

On social transition, the interim report said:

“Social transition – this may not be thought of as an intervention or treatment, because it is not something that happens within health services. However, it is important to view it as an active intervention because it may have significant effects on the child or young person in terms of their psychological functioning. There are different views on the benefits versus the harms of early social transition. Whatever position one takes, it is important to acknowledge that it is not a neutral act, and better information is needed about outcomes.”

## Gender identity services for young people

The petition also refers to the increased number of referrals to the Sandyford Clinic. It is suggested that the 'affirmation first approach' used in the school guidance will contribute to a further increase in referrals.

An FOI response is included in the petition which shows the increase in referrals to Sandyford, from [37 in 2013 to almost 300 in 2018](#).

Sandyford Clinic is the only provider of gender identity services for young people in Scotland. Its [website](#) provides the following:

- For the young people's service initial appointments are currently offered to those who registered with the service in May 2019 (that is a waiting period of over 3 years for an initial appointment)
- In 2021 there were 499 young person referrals
- In 2022 there were 429 young person referrals.

The Scottish Government provided an [update on Gender Identity Services in Scotland](#) (21 November 2022), in response to issues raised in the Equalities, Human Rights and Civil Justice Committee's [Stage 1 Report on the Gender Recognition Reform \(Scotland\) Bill](#) (6 October 2022).

The response referred to:

- [NHS gender identity services: strategic action framework 2022-2024](#) (December 2021)
- The establishment of the [National Gender Identity Healthcare Reference Group](#) to oversee progression and implementation of actions set out in that December 2021 framework.

The Scottish Government also said that all work to improve gender identity services would remain fully based on relevant best practice guidelines as well as national and international evidence.

Further that:

"It will also be fully cognisant of ongoing developments in both the rest of the UK and internationally, including the ongoing NHS England commissioned independent review of gender identity services for children and young people (the 'Cass Review'). As it has been remarked upon by Committee members it may be helpful to note that Scottish Government has repeatedly stated, and I will reiterate again, that the interim and final findings of the Cass review will be – and are being – closely considered both by Scottish Government and NHS Scotland."

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25/01/2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

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