

<b>Subject:</b>	<b>Trans Inclusion Schools Toolkit Version</b>		
<b>Date of Meeting:</b>	<b>14<sup>th</sup> June 2021</b>		
<b>Report of:</b>	<b>Executive Director Families Children &amp; Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Education and Skills</b>	<b>Tel: 01273 293530</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

## **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 *The Trans Inclusion Schools Toolkit* a Brighton & Hove City council document, one of a range of guides developed to support schools in the city with their equality and inclusion practice. Schools then decide which guidance documents or aspects of guidance to implement in their communities.
- 1.2 The Toolkit was first published in 2013 and has been subject to frequent reviews since. The committee is being asked to consider Version 4, which has been the subject of an extensive review and two stages of consultation.
- 1.3 The purpose of this report is to present the final Trans Inclusion Schools Toolkit version 4 for consideration, informed by the consultation process, and accompanying equalities impact assessment.

## **2. RECOMMENDATIONS:**

- 2.1 That committee agree the guidance for dissemination to Brighton & Hove schools in September 2021.
- 2.2 That the Trans Inclusion Schools Toolkit should be reviewed on an annual basis or as necessary to consider feedback from school communities, and any updates required arising from changes to the law or relevant guidance.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton & Hove City council's *Trans Inclusion Schools Toolkit* was first disseminated to schools in 2013. It was developed in partnership with Allsorts Youth Project and schools in response to a need identified by schools for support with a small number of children and young people who were saying that their gender identity did not align with their gender assigned at birth. At a similar time, the City's Trans Needs Assessment, the [report](#) of which was published in 2015, also identified a further need for improving school practice in this area. Further information on the context for the 2013 Toolkit can be found in Appendix 1 of version 4.
- 3.2 The Toolkit was written to provide guidance to schools on how to support trans, non-binary and gender exploring children and young people. In 2013 there was no Department for Education or Equality Office guidance to provide this support for schools and this remains the case.

- 3.3 The Toolkit has been used by a range of other local authorities and promoted as good practice by a range of services.
- 3.4 There remains a need for a *Trans Inclusion Schools Toolkit*. Lesbian, gay, bisexual and trans children and young people remain a vulnerable group within Brighton & Hove. This is a complex area in which schools continue to benefit from guidance to assist them in understanding how to promote the welfare of trans pupils and navigate individual issues.
- 3.5 Consultation began on version 4 of the Toolkit in September 2020. Consultation was challenging during the pandemic because there were more immediate priorities for some of the stakeholders. However, in the Autumn Term 2020, opportunities for engaging with Version 4 were provided to school staff and governors via training sessions. National LGBT organisations were consulted via email. There were also consultation meetings with sexual and domestic violence community and voluntary sector partners in the city via TEAMS. Feedback was also sought from Brighton & Hove's Standing Advisory Council for Religious Education, the two local diocese and colleagues in other local authorities. Transgender Trends Schools Resource Pack and Equality Impact Assessment on an earlier version of the Trans Inclusion Schools Toolkit were read as were emails sent to the council raising concerns about the Toolkit.
- 3.6 This first phase of consultation led to significant changes including:
- clarifying what is meant by 'trans' and using definitions for key terms from national organisations
  - reminding schools about the importance of equality impact assessing when policies are changed
  - reminding schools about ensuring safety for all pupils and students in all areas of the school and for pupils and students to report when they are feeling unsafe
  - adding a section on intersectionality
  - adding a section on governor duties
  - making clear that support for children and young people to explore their identity in a range of ways does not and should not assume a child or young person is on any one pathway or journey
  - guidance on balancing the needs of different groups including those with strongly held religious beliefs
  - reference to September 2020 non-statutory guidance from the [Department for Education](#) in relation to the delivery of sex, relationships and health education.
- 3.7 The re-drafted version of the Toolkit was then sent as part of an online consultation directly to all school governors in March 2021. Head teachers of Brighton & Hove Infant, Junior, Primary, Secondary and Special schools were then asked to send the consultation out to all members of staff and all parents and carers. Secondary schools were also asked to send to Year 10 students. These requests were made via email, schools bulletin and Head teacher meetings. School communities were chosen as the audience for this wide consultation because the guidance is relevant to these settings and written for school staff and governors.

- 3.8 A consultation [report](#) has been written. In summary, the majority of those who responded to the survey consider the Toolkit to be important guidance and are in support of its contents. However, the consultation also shows that views on how best to support trans pupils is divided with concerns expressed about whether the guidance is detrimental to the wellbeing of girls. Having carefully reviewed the Toolkit again, it is felt that the Toolkit offers sufficient guidance on how to balance the needs of all groups. The Equality & Anti-Bullying, PSHE and Safeguarding Services and BHSS are continuing to offer support to schools on how to address sexist and sexual bullying and harassment and peer on peer abuse.
- 3.9 In March 2021, consultations via TEAMS were held with a total of 12 young people from the Hangleton and Knoll Project, Brighton Youth Council, Brighton Youth Centre, and Allsorts Youth Project. The young people spoken to were all supportive of the approach taken in the Toolkit.
- 3.10 In response to the this and the school-based consultations a number of further amendments were made:
- Added sentence about value of schools as diverse communities (young people’s consultation)
  - Added sentence about trans and non-binary pupils being a small group within school (staff consultation)
  - Clarified that the Toolkit is not about staff and added a section about staff needs above the signposting in section 7 (staff feedback)
  - Added to principles: “There is more than one way to be a boy or a girl” (parent feedback)
  - Changed how we referred to discussions about language (staff feedback)
  - Sex assigned at birth (parent feedback) changed to sex registered at birth (as used in the census 2020)
  - Added example to gender expression section (young people’s feedback)
  - Changed definition of Intersex to include differences in sex development (from Autumn term consultation, but just added)
  - Changed definitions of trans boy and trans girl (staff feedback)
  - Added illustration of spectrums, as this was not always understood in consultation responses
  - Added that the council recommend written record of EIA (staff feedback)
  - Clarified we mean only social transition in school context (parent feedback)
  - Separated a paragraph in safeguarding section to highlight guidance that schools will seek to inform and involve parents (staff feedback)
  - Clarified that one member of staff shouldn’t hold a disclosure on their own (feedback from Autumn term)
  - Added sentence in introduction to whole school approach about all members of the community are equally valued (parent feedback)
  - Added reminder of where schools can seek support for work on other equality issues to support balance (parent feedback)
  - Added need for ‘all’ staff to have training (staff feedback)
  - Added bullet point about listening to parent concerns respectfully (parent and staff feedback)
  - Added sentence about complaints policy (Autumn term feedback)

- Added reference to 'banter' in bullying section (young people's feedback)
- Deleted sentence 'binary notions of sex and gender' (parent and staff feedback)
- Added 'diversity' of faith views so as not to imply people of faith think and believe in the same way (staff feedback)
- Added sentence about staff needing training to manage difficult conversations (staff feedback)
- Added puberty to list of resources schools can access from PSHE / BEEM (parent feedback about puberty as difficult time)
- Added sentence about long wait times for treatment (staff feedback)
- Clarified the Toolkit is not advocating removal of single sex spaces (staff and parent feedback)
- Changed order of uniform section (student feedback)
- Changed reference to sanitary bins to bins for menstrual products (staff feedback)
- Reviewed name change section (staff feedback).

3.11 An Equality Impact Assessment was carried out alongside the review of version 4 of the Toolkit.

3.12 Not all the feedback given in the extensive consultation led to changes in the Toolkit. The approach taken within version 4 of the Toolkit aligns with that taken by Brighton & Hove City Council on [gender diversity](#) and the January 2021 [Notice of Motion, Joint Green, Labour and Conservation Groups, Trans Inclusion](#).

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 This is a review of an existing guidance for schools.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 Please see sections 3.6, 3.7, 3.8 and the Equality Impact Assessment.

#### **6. CONCLUSION**

6.1 The consultation has shown that whilst the majority of those consulted with support the approach taken in the Trans Toolkit there remains a significant number of people who do not support some aspects of the approach. However, on balance we are confident that Version 4 provides helpful advice to schools to meet the needs of a vulnerable group. The guidance will need to be supported by staff training and communications to parents and carers from September 2021. The Toolkit will be subjected to a process of regular review and updates.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 The cost of the current review and consultation on the Toolkit has been met by officer time within existing budget, as will future reviews of the toolkit.

*Finance Officer Consulted: David Ellis*

*Date: 07/05/21*

##### Legal Implications:

The updated Trans Inclusion Schools Toolkit is a Brighton & Hove City council document, one of a range of guides developed to support schools in the city with their equality and inclusion practice. Under the Equality Act 2010 a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. This can include pupils. The development of the toolkit has been the subject of consultation and an equalities impact assessment referred to within the report. The committee is being asked to recommend the use of the toolkit to schools. It will be a matter for schools whether they wish to adopt some or all of the toolkit. The draft toolkit has been the subject of legal advice and review in relation to the legal framework referred to therein. As well as providing reference materials, including existing national guidance, to promote equalities it provides schools with guidance as to considerations to take into account when faced with issues in promoting the welfare of transgender pupils in the context of the wider the school community. The guidance is clear that the approach of the school in relation to some issues will need to be case specific.

*Lawyer Consulted: Natasha Watson*

*Date: 28 May 2021*

#### Equalities Implications:

- 7.3 The trans needs assessment and other evidence quoted in the context statement in Appendix 1 of the Toolkit provides the basis for the need for the Toolkit. The Toolkit advises schools to place their trans inclusion work within a wider equality framework and practice that includes work to prevent gender stereotyping and sexism and aims to meet the needs of all gender and sexual orientations.

The Toolkit reminds schools that trans pupils and students will have intersectional identities and provides some guidance on meeting the needs of trans pupils and students who are Black, Asian and Minority Ethnic, who have special educational needs and disabilities, who are adopted or are in care.

The toolkit is a guidance document to support inclusive practice, but it recognises that every situation will be different, and schools will make decisions on a case by case basis with the wider school context in mind, as they would with any guidance document.

Ongoing tailored support is also available to schools beyond the toolkit to help them respond effectively to any pupil's individual needs.

The toolkit is reviewed regularly and updated at least annually in line with best practice, national guidance, and to ensure that it is effective in the changing context.

- 7.2 An Equality Impact Assessment is included in these papers.

#### Sustainability Implications:

- 7.3 None

Brexit Implications:

7.4 None

Any Other Significant Implications:

7.6 None

Crime & Disorder Implications:

7.5 None

Risk and Opportunity Management Implications:

7.6

Public Health Implications:

7.7 There is evidence to show that trans and gender question children and young people who are not supported can suffer from mental health challenges.

Corporate / Citywide Implications:

7.8

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. The Trans Inclusion Schools Toolkit Version 4
2. Equality Impact Assessment, May 2021