

Subject:	Trans Inclusion Schools Toolkit Version 4
Date of Meeting:	11.1.20
Report of:	Interim Executive Director Families Children & Learning
Contact Officer: Name:	Sam Beal
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Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To provide an update on the progress of version 4 of the *Trans Inclusion Schools Toolkit* to committee. This Toolkit is a Brighton & Hove City Council document, one of a range of guides developed to support schools with their equality and inclusion practice.

2. RECOMMENDATIONS:

- 2.1 That committee agree that the *Trans Inclusion Schools Toolkit* is needed to support schools in supporting trans and gender exploring children and young people.
- 2.2 That committee note the progress in reviewing the Trans Inclusion Schools Toolkit V4 and agree that it is released for wider consultation.
- 2.3 That a final version of the report is presented to June 2021 CYPS committee for sign off.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Brighton & Hove City Council has a long history of working with Allsorts Youth Project and other partners to support and challenge schools to provide safe learning environments for lesbian, gay and bisexual pupils and students.
- 3.2 In 2012, a small number of primary and secondary schools began contacting the local authority about children and young people who were saying that their gender identity did not align with their gender assigned at birth. Schools were asking questions about how to support these children and their families and how to ensure that the school was able to respond to any changes related to name, pronoun and clothing. At a similar time, Allsorts Youth Project hired some trans youth workers.
- 3.3 [The Trans Needs Assessment report](#) was published in 2015 by Brighton & Hove City Council. The Trans Needs Assessment was undertaken by the council in

partnership with the NHS, CCGs and community and Voluntary Sector organisations. The assessment highlighted the level of discrimination and prejudice that is ongoing in Brighton & Hove for trans people, but also the strengths of the local trans community. It provided practical recommendations on how inequality can be tackled and how local and national services can be improved. It included a recommendation for schools.

- 3.4 In 2014 the first version of the council's *Trans Inclusion Schools Toolkit* was written in consultation with Allsorts Youth Project and disseminated to schools along with training to support implementation. The Toolkit was written with the to provide guidance to schools on how to support trans, non-binary and gender exploring children and young people. It is one of several guidance or advice documents on equality issues produced by the council's Equality and Anti-Bullying Service.
- 3.5 Lesbian, gay, bisexual and trans children and young people remain a vulnerable group within Brighton & Hove as can be seen in the [annual reports](#) for Allsorts Youth project. Data from [Stonewall](#) further supports the need for more work in schools to support trans pupils and students.
- 3.6 Since its publication, the Toolkit has been regularly reviewed. The *Trans Inclusion Schools Toolkit (Version 4)* has been under-development for about nine months and significant changes have been made resulting from feedback and consultation undertaken so far. Changes include clarifying what is meant by 'trans', reminding schools about the importance of equality impact assessing and additional sections on intersectionality and governor duties. Version 4 also makes 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 particular pathway or journey. The approach taken within the Toolkit aligns with that taken by Brighton & Hove City Council on [gender diversity](#).
- 3.7 The council is keen to ensure the Toolkit provides the best support to its education settings and the children and young people within them and so has extended the review and consultation phase.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The consultation has been extended to listen to further feedback on the Toolkit.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The pandemic has made engagement and consultation on the Toolkit challenging. However, opportunities for engaging with and contributing to Version 4 have been provided to school staff and governors, young people, parents and carers attending Allsorts Youth Project, LGBTQ, sexual and domestic violence community and voluntary sector partners, and women's organisations in the city. Brighton & Hove's Youth Council has also provided some comment. Feedback has also been sought from Brighton & Hove's Standing Advisory Council for Religious Education, the two diocese and other local authorities. These have resulted in changes to the Toolkit. We are continuing to engage with these groups to inform ongoing practice.

6. CONCLUSION

6.1 Further consultation and engagement with Toolkit is required.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial implications

The development of the toolkit is funded within the school organisation budget and can be met within existing resources.

Finance Officer Consulted: Name: David Ellis

Date: 09/07/20

7.2 Legal Implications:

The toolkit is being reviewed and further developed to provide schools with guidance about how to understand, identify and support the needs of their pupils. Trans people are explicitly protected under S7(1) of the Equality Act 2010 from discrimination whether directly or indirectly. 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. The recent well publicised High Court judicial review case, which determined the process to obtain clinical consent to puberty blockers, reinforces the importance of public institutions having carefully developed guidance to meet the needs of trans pupils. Wider consultation will provide young people in particular with a further opportunity to contribute to ensuring that the final draft of the guidance provides a robust foundation of understanding and inclusive practice. This will better equip schools to promote inclusivity and meet their statutory equalities duties, as well as providing a framework for making decisions so as to promote the welfare of all their students, and provide a safe space for learning.

Lawyer Consulted: Natasha Watson Date: 29/12/20

7.3.1 Equalities Implications:

The draft 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 pupils 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.

7.4 Sustainability Implications:

None

Brexit Implications:

None

7.5 Any Other Significant Implications:

No

Crime & Disorder Implications:

7.5 No

Risk and Opportunity Management Implications:

7.6 No

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 This Toolkit supports the council's approach to gender diversity.

SUPPORTING DOCUMENTATION

