

Response ID ANON-Q2TN-2W16-N

Submitted to Guidance for Schools and Colleges: Gender Questioning Children
Submitted on 2024-03-11 13:59:50

Rationale and guiding principles

About you

1 Are you responding to this consultation as an:

Organisation, for example, a charity, school/college or think tank

2 If you are responding as part of an organisation, would you prefer your response was kept confidential?

No

3 If you are responding as an individual, are you responding as (please select all that apply):

N/A

Please specify :

4 If you are responding to this consultation as an organisation, are you responding as:

Other, please specify

Please specify:

Church of England Education Office (with national responsibility for 4,700 schools, across all phases)

5 Are you responding to the consultation with an interest in:

Primary schools, Secondary schools, Faith schools, Alternative provision/special schools, School sixth forms, Sixth form college

6 If you want all, or any part, of your response to be treated confidentially in response to a freedom of information request, please explain why you consider it to be confidential.

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

Introductory Questions : Age

7 If you are responding as an individual, are you:

Not Answered

8 What is your sex?

Not Answered

9 Is the gender you identify with the same as your sex registered at birth?

Not Answered

10 Where are you based?

England

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

Structure and overall guidance

11 Do you think the structure of the guidance is easy to follow?

Yes

12 If you answered no, how could the structure of the guidance change to make it easier to follow?

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

13 Does this guidance provide practical advice to support schools and colleges to meet their duties effectively?

No

14 If you answered no, how could we improve deliverability placed on schools and colleges whilst still providing for schools to meet their duties?

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

There is not enough practical detail to support different types of schools, particularly smaller schools whose capacity to deliver on this guidance may be limited by e.g. access to support services or the specific and necessary expertise required, compared to a larger school/ college or organisation.

Responding to Requests and Engaging parents

15 Does this section provide enough detail to help schools and colleges support children?

No

16 If you answered no, in which of the following areas do schools and colleges need further guidance to support a child? [tick all that apply]

How schools should put in place a 'watchful waiting' period before acting on a child's request, The law

Please try to limit your response to under 250 words Please do not add any details which may easily identify you or your organisation.:

How long should a period of 'watchful waiting' be, as this cannot be open-ended? Should professional expertise (beyond what school staff can provide) be drawn upon to assess whether a change should be made or not at the conclusion of the 'watchful waiting' period, or is this to be left to the discretion of the school? How is this communicated to the child and family? School leaders need support in being able to navigate this complex decision. Additionally, the legal assertions included need unpacking to give school leaders more confidence that their actions won't be contested if they follow the guidance.

17 Think about the points outlined for schools and colleges to consider on pages 9-11 regarding making decisions about how to respond to requests for social transition. Are these points helpful?

No

18 If you answered no, what considerations would be more helpful for schools and colleges to consider? For example, when assessing whether to support a child wishing to socially transition, do you think different weight should be given to the views of parents, the age of the child, the long- and short-term impacts on the child, the impact on other children, and any relevant clinical or medical advice?

Please try to limit your response to under 250 words Please do not add any details which may easily identify you or your organisation.:

Please clarify which actions a school must take, versus which they should take to provide certainty for schools and protection from legal challenge. This gives too much scope for variation between settings, which is unhelpful for school leaders, families and children/ young people.

Registration of Name and Sex

19 Does this section on page 12 provide enough detail for schools and colleges to ensure each child is recorded correctly and according to the Education Act 1996, Pupil Registration (England) Regulations 2006, GDPR and the Data Protection Act?

Yes

20 If you answered no, what further information should be included to help schools and colleges?

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

Changing Names

21 Does this section on page 12 provide enough detail for schools and colleges to respond to a child's requests to change their name?

No

22 If you answered no, in which of the following areas do schools and colleges need further guidance to respond to a child's requests to change their name? [tick all that apply]

How schools and colleges should respond to other children and staff who do not wish to use a different name, Something else

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

How schools and colleges can approach name changes pastorally, to ensure the well-being of their students and act compassionately within the confines of the guidance as it stands. We believe this is essential for the mental health of students who are 'gender-questioning'.

Pronouns

23 Does this section on page 13 provide enough detail for schools and colleges to respond to a child's requests to change their pronouns?

Yes

24 If you answered no, in which of the following areas do schools and colleges need further guidance to respond to a child's requests to change their pronouns? [tick all that apply]

Please try to limit your response to under 250 words Please do not add any details which may easily identify you or your organisation.:

Single-Sex Spaces - Toilets, Changing Rooms and Showers and Boarding and Residential Accommodation

25 Does this section on pages 14 and 15 provide enough detail for schools and colleges to respond when a child who is questioning their gender makes a request to use facilities (e.g. toilets, changing rooms, showers and boarding and residential accommodation) designated for the opposite sex?

Yes

26 If you answered no, in which of the following areas do schools and colleges need further guidance? [tick all that apply]

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

27 Think about the circumstances provided in the guidance on pages 14 and 15, outlining the option for schools and colleges to find alternative facilities. Does the guidance provide enough support to help schools and colleges determine how to offer alternative facilities?

Yes

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

28 Does this section provide enough detail for schools and colleges to support children who do not wish to use accommodation that is designated for their sex in relation to boarding and overnight accommodation?

Yes

29 If you answered no, in which of the following areas do schools and colleges need further guidance? [tick all that apply]

Please try to limit your response to under 250 words . Please do not add any details which may easily identify you or your organisation.:

Uniform

30 Does this section on page 16 provide enough detail for schools and colleges to respond to a gender-questioning child who makes a request in relation to uniform?

Yes

31 If you answered no, in which of the following areas do schools and colleges need further guidance to respond to a gender-questioning child, who makes a request in relation to uniform? [tick all that apply]

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

Physical Education and Sport

32 Does this section on page 17 provide enough information on what to do if a gender questioning child asks to participate in a certain sport or activity with the opposite sex?

Yes

33 If you answered no, in which of the following areas do schools and colleges need further guidance to support children taking part in PE or sport? [tick all that apply]

Please try to limit your response to under 250 words. Please do not add any details which may easily identify you or your organisation.:

34 Think about the circumstances provided in the guidance on page 17, outlining the need for fairness and safety in PE or sport. Does the guidance provide enough support to help schools and colleges determine what is fair and safe?

Yes

35 If you answered no, what further support should be included to help schools and colleges determine what is fair and safe in PE or sport?

Please try to limit your response to under 250 words] Please do not add any details which may easily identify you or your organisation..:

Single-sex schools

36 Does the guidance on the application of the Equality Act to admissions to single sex schools on page 18 provide enough information to support single sex schools in making decisions about the admission of children who are questioning their gender?

No

37 If you answered no, in which of the following areas do schools and colleges need further guidance to support effective decisions on the admission of children who are questioning their gender [tick all that apply]

Not Answered

Please try to limit your response to under 250 words Please do not add any details which may easily identify you or your organisation.:

How do schools quantify 'exceptional' admissions? What should they use to judge this? The guidance does not make this clear enough, which could lead to inconsistencies between schools. This is confusing for schools, families and admission authorities.

We would like to see more clarity regarding how this relates to the Admissions Code.

38 To individuals responding who work in, or represent single-sex schools: Has your single-sex school previously had to make a decision on the admission to your school of a child of the opposite sex (regardless of whether or not the school admitted the child)?

Not Answered

39 If yes, was that child questioning their gender?

Not Answered

Please do not add any details which may easily identify you or your organisation.:

Public Sector Equality Duty [PSED]

40 Do you have any comments regarding the potential impact of the guidance on those who share a protected characteristic under the Equality Act 2010, whether negative or positive? How could any adverse impact be reduced and are there any other ways we could advance equality of opportunity or foster good relations between those who share a protected characteristic and those who do not?

Please give reasons for your answer and try to limit your response to under 250 words:

We are concerned for children and young people who have already identified themselves as 'transgender' prior to the issuing of this draft guidance as there is a lack of clarity here as to how they should expect to be treated under this guidance. The majority of the guidance pertains to new requests, but does not deal specifically with prior requests which may have already been granted.

It could be harmful to a child or young person in this position if new rules are brought in affecting them, without considerable support and care.

We are also concerned with the blanket reference to students as 'children' and particularly considering post-16 students as 'children' which is not compatible with other language used in education. Even more so, young people post-18 could still be treated as if they are 'children' if they are educated in a setting with under 18s. We think there should be an acknowledgement that as children and young people grow, their agency increases in line with their understanding and in other sectors, they would be considered legally competent to make decisions about their lives.

General

41 Do you have any comments on the overall approach of the guidance?

Yes

If yes, please detail below and try to limit your response to under 250 words.:

Our view is that all requests should be handled with immense care and compassion for the individual, their family and those working with them. Whilst we welcome the clarity in the document, we don't believe there is currently enough pastoral support outlined in the guidance.

The guidance must reference and align with the findings of the Cass Review, once it is published, so that there is a clear consistent message for schools, families and children/ young people.

42 Do you have any further comments you would like to share on the draft of the guidance that have not been captured above?

No

If yes, please detail below and try to limit your response to under 250 words.: