



allsorts youth
project

A Guide for Young People Responding to the DfE Consultation

What is this about?

The government's **Department for Education** (also known as the DfE) released some **draft guidance** on how schools can support 'Gender Questioning Children' as there isn't a standard set of guidelines for schools to use.

The government is asking the public to read the guidance and answer some questions about it - this is called a consultation. When the consultation closes the government looks at all the responses and decides if the draft is ok to publish or if the draft needs to be changed based on the public's feedback.

Allsorts Youth Project, like many others believe that;

- All children and young people have the right to an education free from discrimination, and **LGBT+ young people are no exception**.
- The DfE's draft guidance is **not supportive** of trans or non-binary young people in schools.

Young people were not given the opportunity to feed their experiences into the draft, so this is a chance for you to have your say on what the draft guidance says.

So that you can share your views on the draft guidance, it's important to know what it says and how it may impact you, your friends or your family. You can have your say until the consultation closes on **12th March 2024**.

Reading the documents and understanding the questions can feel really overwhelming, especially when they're official government documents. That's why organisations such as Gendered Intelligence, LGBT Foundation, Mermaids, Stonewall, and the Trans Learning Partnership have come together and created some consultation guidelines to help. Allsorts have used the consultation guidelines to create this version for young people.

You may find some things in the draft guidance, summaries or consultation questions upsetting or distressing to think about. Your mental health and wellbeing is a priority - you do not have to fill this out if you don't have the time or the energy to - it's important you look after yourself.

And if you are struggling, there is always someone you can talk to;

- **Give Us A Shout** - free 24/7 text service - **text 85258**
- **Childline** - **call 0800 1111**
- **Live Chat** - safe and supportive place for LGBT+ young people and the adults in their lives to chat with someone from the Proud Trust
- Find a **local LGBT+ youth group** near you
- **Self-care** info and ideas

Key Information, Documents and Links

- **Summary of Guidance – young people's version**

This is a [shortened summary](#) of the main points the guidance is suggesting. Allsorts has created a young people's version based on [Mermaids version](#).

- **DfE Gender Questioning Children Guidance**

This is the [full version](#) of the guidance written by the Department for Education.

- **Online Consultation**

This is where you can [respond directly](#) to the government about the draft guidance.

- **Consultation guidance**

Hosted on [Stonewall's website](#) and made by a group of organisations.

Through the consultation guidance, they use the term parents to refer to any adult with parental or caring responsibilities for a child or young person.

They use the term trans to refer to trans, non-binary, and gender questioning people.

They use the term school, they mean schools and colleges.

How long will it take?

There are a few questions to answer but even if you only have five minutes, it's still really important to have your say and tell the government how you feel.

5 minutes	<ul style="list-style-type: none">• Only answer the 'Yes/ No/ Don't Know' questions
15 minutes	<ul style="list-style-type: none">• Answer the 'Yes/ No/ Don't Know' questions• Fill in the 'General Comments' section at the end
30 minutes or more	<ul style="list-style-type: none">• Answer the 'Yes/No/Don't Know' tick boxes• Fill in as many of the Explainer Boxes under each question as you can.

Legal definitions used within the consultation guidelines

<u>Equality Act</u>	Provides legal protection from discrimination if you fall into one of the protected characteristics of: Age, Disability, Gender reassignment, Marriage & Civil Partnership, Pregnancy & maternity, Race, Religion or belief, Sex, Sexual orientation.
Gender reassignment	Anyone who is undergoing, has undergone or is proposing to undergo the process, or part of a process, of reassigning their sex.

Gender Recognition Certificate	A way to change your gender marker on your birth certificate. You can only apply for this when you are aged 18+.
Medical transition	Being under the care of medical professionals to access hormones and/or hormone blockers or, if 18+, accessing surgery.
Pupil Registration Regulations, GDPR, Education Act, Data Protection	These are all rules that the government has said that schools/colleges should be following.
Safeguarding	<p>This means that professionals who work with children and young people will protect you from harm. Sometimes that means talking to other people who can help you and/or your family.</p> <p>Allsorts has its own young people's version of our safeguarding policy if you'd like to read more.</p>
Social transition	Changing name, pronoun, clothing, hair, using facilities that match your gender.

Consultation Questions

It is important that you:

- **Respond in your own words** - if you copy and paste an answer from these guidelines, it may not be counted.
- **Include examples** where you can of how the guidance could negatively impact you/ trans people you know.
- **Share your own experiences** of being trans or those of your trans and non-binary friends...and be careful not to include any names or schools so that you keep your information private.

Questions 1-10	This section asks about you; your age, gender, and location. The questions about sex and gender are not worded very well and you don't have to answer these if you don't feel comfortable to.
Question 11	<p>Do you think the structure of the guidance is easy to follow?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
<p>Question 12</p> <p>Why have you answered no?</p>	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> • Did you read the governments full guidance or the shortened version that was created by Mermaids? • There is no easy-to-read version of the guidance so it is difficult for young people to read and understand it. • The guidance does not mention how to support young people who have already transitioned or those who have poor mental health. • The guidance does not include how to support those who are non-binary, intersex, trans, or trans people who have special educational needs. • It uses the term gender-questioning but does not use the language of trans and/or non-binary. • The guidance does not make it clear that trans and non-binary young people are protected by the Equality Act under the protected characteristic of gender reassignment.
Question 13	<p>Does this guidance provide practical advice to support schools and colleges to meet their duties effectively?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.

<p>Question 14</p> <p>Why have you answered no?</p>	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> • How important is a school/college's duty to protect trans young people from discrimination, bullying and abuse from staff, peers and at home? • Many young people experience common <u>transphobic bullying and harassment</u> in school and online. • The Equality Act protects trans people from discrimination (it doesn't matter how old they are or whether they have a Gender Recognition Certificate). • The guidance suggests that schools should share information about young people socially transitioning with parents and all relevant staff. What do you think about this? • School should be a safe place for all young people. Does this guidance help staff to create a safe school environment?
<p>Question 15</p>	<p>Does this section provide enough detail to help schools and colleges support children?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
<p>Question 16</p> <p>Why have you answered no?</p>	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> • If you have personal experience of transitioning in school, what has helped you or what would have helped you feel better supported? • How should schools/colleges support young people who would like to socially transition? How could they make this a positive experience? • The guidance ignores safeguarding procedures that schools have to follow: <ul style="list-style-type: none"> ○ Being LGBT+ is not a safeguarding risk ○ Informing parents, where there is no safeguarding risk, could break confidentiality and may not be in a young person's best interest ○ Young people without a trusted adult (such as a supportive parent) are potentially at significant risk • Further information is needed about: <ul style="list-style-type: none"> ○ How a teacher would balance the different views of a young person and parents/carers ○ How to safely have a discussion with a parent about a child or young person being trans

	<ul style="list-style-type: none"> ○ How schools and colleges should move forward if both the young person and parents are supportive of a social transition
Question 17	<p>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?</p> <ul style="list-style-type: none"> ● Yes, No or Don't Know ● Allsorts would say and suggest writing no.
Question 18	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> ● It is important to listen to young people's wishes and feelings - how did this feel for you if you were listened to or not? ● Do you think school/college should make the decision about whether you can socially transition? Why do you think this? ● The Metro 'Youth Chances: Integrated Report' found that 58% of trans people knew they were trans by the age of 13, showing that school-age children know themselves to be trans. ● Not every child and young person is lucky enough to have a supportive family. Galop found that nearly half of trans and non-binary people have experienced abuse from their family so school may be one of the only supportive and safe places. ● There is no guidance on how to support a child or young person to socially transition with the full support of their parents. ● The guidance does not explain what the impact of a young person socially transitioning on other children or young people might be. ● Research shows that supporting a trans person's social transition has positive mental health benefits.
Question 19	<p>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?</p> <ul style="list-style-type: none"> ● Yes, No or Don't Know ● Allsorts would say and suggest writing no.
Question 20	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> ● How would it feel/how does it feel for people at school/college not to use the name you wish to be known as?

	<ul style="list-style-type: none"> • All young people's names and gender could easily be included in the register, including shortened names and nicknames - schools should not act differently because a pupil is trans. • Sharing someone's previous name would out a trans young person. It would break confidentiality. • 16 to 18-year-olds can change their name legally without parental permission. Schools and colleges would legally have to record this name.
Question 21	<p>Does this section on page 12 provide enough detail for schools and colleges to respond to a child's requests to change their name?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
Question 22	<p>Allsorts would suggest ticking ALL the boxes here.</p> <p>Things you could consider for the 'Something Else' box;</p> <ul style="list-style-type: none"> • How would it feel/how does it feel for people at school/college not to use the name you wish to be known as? • If your name is being used in your school/college, how does that make you feel? What is the positive impact of this? • It is helpful to include a young person's chosen name in the register for teachers and school staff to refer to the pupil in their day-to-day running of the school (including supply teachers and cover staff). • Sharing someone's previous name would out a trans young person. It would break confidentiality. • Lots of young people choose to be known by a shortened name or nickname. Would they be treated in the same way? • Research shows the positive impact of using a child or young person's chosen name on their mental health. • If staff or peers refuse to use a young person's chosen name, this can be damaging to their mental health. This is not mentioned in the guidance. • There is no information about what a school or college should do if a young person changes their name legally by deed poll (a child or young person can do this with parental consent before they are 16, and without when they are over 16).

	<ul style="list-style-type: none"> • Not using a trans young person's chosen name (no matter their age) could be considered discrimination or harassment under the Equality Act. • Handling transphobic bullying is not addressed in the guidance but should be considered.
Question 23	<p>Does this section on page 13 provide enough detail for schools and colleges to respond to a child's requests to change their pronouns?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
Question 24	<p>Allsorts would suggest ticking all the boxes here.</p> <p>Things you could consider for the 'Something Else' box;</p> <ul style="list-style-type: none"> • How would it feel/how does it feel for people at school/college not to use the pronouns you wish to be used? • If your pronouns are being used at school, how does this make you feel? What is the positive impact of this? • The guidance suggests that no primary age pupils should be allowed to use a different pronoun. What do you think about this? • If staff or peers refuse to use a young person's pronouns, this can be damaging to their mental health. This is not mentioned in the guidance. • Not using a trans pupil's chosen pronouns (no matter their age) could be considered discrimination or harassment under the Equality Act. • Handling transphobic bullying is not addressed but should be considered.
Question 25	<p>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?</p> <p>Yes, No or Don't Know Allsorts would write and suggest writing no.</p>
Question 26	<p>We would suggest ticking all the boxes here.</p>

	<p>Things you could consider for the `Something Else` box;</p> <ul style="list-style-type: none"> • Have you experienced any challenges in using toilets or changing rooms at school/college? • Have you been told not to use certain toilets or changing rooms? • Have you been stopped from going on school trips? • How has that affected you? • Have you missed out on any other opportunities? • Have you had positive experiences of being able to use the toilets or changing rooms for your gender? • Schools and colleges risk discriminating against trans students, under the <u>Equality Act</u>, if they cannot use the facilities of their gender. • The feelings of other students (or their parents) are not more important than the protections given to the trans young person in the <u>Equality Act</u>. • Trans and non-binary children and young people often avoid using the toilet whilst at school or college, which may lead to discomfort and infections. • Forcing any young people to use separate facilities from their peers will be an isolating and potentially humiliating experience for them. • There is no advice on what schools should do if they are unable to provide suitable, gender-neutral toilets or changing rooms.
Question 27	<p>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?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no. <p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> • How could schools offer young people comfortable toilets and changing facilities? • Do you have any personal experiences of schools supporting you to use comfortable facilities? If not, what could they have done to improve this for you?

	<ul style="list-style-type: none"> • There is no advice on what schools should do if they are unable to provide suitable, gender-neutral toilets or changing rooms.
Question 28	<p>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?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
Question 29	<p>We would suggest ticking all the boxes here.</p> <p>Things you could consider for the 'Something Else' box;</p> <ul style="list-style-type: none"> • Here you might want to talk about challenges that you have faced when at boarding school or on school trips. • Are there ways you have been positively included? • Is there anything that was done well or could be improved? • Schools and colleges risk discriminating against trans students, under the <u>Equality Act</u>, if they cannot use the facilities of their gender. • The following questions haven't been answered in the guidance: <ul style="list-style-type: none"> ○ What should be in place for trans children and young people who have already transitioned? ○ What should schools and colleges do if there is no accommodation, other than rooms separated by sex? ○ What steps can be taken to ensure that trans and non-binary young people are able and comfortable to participate fully in residential trips?
Question 30	<p>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?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
Question 31	<p>We would suggest ticking all the boxes here.</p> <p>Things you could consider for the 'Something Else' box;</p>

	<ul style="list-style-type: none"> • How would it feel to be forced to wear a different uniform that doesn't match your gender? • Do you think parents should be contacted to allow young people to wear a different uniform? • Do you think schools/colleges should have gendered uniforms? • The <u>Government's own guidance</u> on school uniforms advises schools the protected characteristics under the <u>Equality Act</u> in their uniform policy. This includes gender reassignment. • Taking away the choice of swimming costumes would effectively exclude some trans pupils from swimming. • This part could leave schools and colleges open to allegations of direct discrimination; uniform standards should apply to all young people, regardless of their sex and gender. • There are lots of other reasons why a young person might prefer to wear a different uniform, including for religious, practical or personal safety reasons. Will they be treated in the same way?
Question 32	<p>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?</p> <ul style="list-style-type: none"> • Yes, No or Don't Know • Allsorts would say and suggest writing no.
Question 33	<p>We would suggest ticking all the boxes here.</p> <p>Things you could consider for the 'Something Else' box;</p> <ul style="list-style-type: none"> • Have you or your trans and non-binary peers had any positive or negative experiences of playing in sporting activities consistent with your gender? • What are the benefits of trans people being able to play sports and participate in PE that is consistent with their gender? • The guidance ignores existing policies of some sport governing bodies, such as the <u>Football Association</u>, where under 16s can play in a girls' or a boys' team regardless of their sex assigned at birth. • No advice or guidance is given on how to include trans pupils and make them feel welcome in sport.

	<ul style="list-style-type: none"> Many trans young people have faced significant barriers to playing sport. The guidance will exclude trans pupils from the mental and physical benefits of exercise.
Question 34	<p>Think about the circumstances provided in the guidance on page 15, 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?</p> <ul style="list-style-type: none"> Yes, No or Don't Know Allsorts would say and suggest writing no.
Question 35 Why have you answered no?	<p>Things you could consider when answering this question;</p> <ul style="list-style-type: none"> Do you feel like you or your trans and non-binary peers have fair access to PE in school/college? Do you have any positive experiences of being included in PE lessons, such as mixed-gender activities? Safety is not just determined by sex differences. School sports staff will ensure that all young people's safety is considered in their planning and preparation of lessons. Physical differences are normal in competitive sport - the focus on sex differences does not consider the impact of technique, training, equal access etc. No guidance is given for pupils who are medically transitioning, e.g., taking hormones and/or puberty blockers, where assumptions about physical differences relating to sex may not apply.
Question 36	<p>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?</p> <ul style="list-style-type: none"> Yes, No or Don't Know Allsorts would say and suggest writing no.
Question 37	<p>We would suggest ticking all the boxes here.</p> <p>Things you could consider for the `Something Else` box;</p>

	<ul style="list-style-type: none"> • Single sex schools and colleges can choose to admit trans young people. For example, a single sex boys' school agreeing to admit trans boys, or a single sex girls' school agreeing to admit trans girls. This would be legal and would not affect the school's single sex status. • Single- sex schools and colleges cannot remove a young person for transitioning, desiring to transition or questioning their gender whilst enrolled there. • The use of 'gender questioning' rather than 'trans and non-binary' confuses the guidance here. Use of specific, widely recognised language relating to gender reassignment as defined in the Equality Act would be more helpful.
Question 38	This question is only for people who work in a single-sex school and feel comfortable answering it. You can skip to question 40.
Question 39	This question is only for people who work in a single-sex school and feel comfortable answering it. You can skip to question 40.
Question 40	<p>This question is asking what the impact may be on individuals with protected characteristics. It is framed in a way that means all protected characteristics can be considered.</p> <p>When answering this question, you could consider the following:</p> <ul style="list-style-type: none"> • The Equality Act defines gender reassignment as a protected characteristic. • Much of the guidance could be considered to actively encourage schools and colleges to discriminate against children and young people protected by the characteristic of gender reassignment. • There is not one protected characteristic that has a higher importance than another one.
Question 41	<p>Do you have any comments on the overall approach of the guidance?</p> <ul style="list-style-type: none"> • How do you think this guidance would affect your experience at school or college? • What do you think about the guidance's approach to socially transitioning at school/college? • How do you feel the guidance treats trans people, and particularly trans children and young people?

	<ul style="list-style-type: none"> • What additional or alternative guidance would you like to see given to schools/colleges?
Question 42	<p>Do you have any further comments you would like to share on the draft of the guidance that have not been captured above?</p> <p>This is a space for you to share anything else you haven't been able to say yet.</p>

For a range of support services for LGBT+ children & young people, and their families, across Sussex, please [visit our website](#).

Our latest statement on the DfE Guidance can be found [here](#).



You can scan the QR codes to access documents and websites hyperlinked throughout this document

Self Care Videos (page 1)



Summary of Guidance (page 2)



DfE's Full Guidance (page 2)



Online Consultation (page 2)



**The Equality Act 2010
(pages 2, 4, 7-10)**



**Just Like Us, Growing Up
LGBT+ Report 2021 (page 4)**



**Metro 'Youth Chances:
Integrated Report (page 5)**



**Galop, 'LGBT+ Experiences of
Abuse from Family Members'
(page 5)**



**Research on
'Affirmation-Support' (page 5)**





Research on Chosen Name Use
(page 6)



School Uniform Guidance (page 9)



Football Association Guidance
(page 9)



**Mermaids Short Report, 'Young
People & Sport'** (page 9)

