



Chloe Klassen
childrensrights@forwomen.scot

Our Reference: 202000043890

06 July 2020

Dear Chloe,

Thank you for your e-mail of 3 June 2020 to the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, regarding the transgender guidance for schools. I have been asked to reply to you.

The Scottish Government recognises the particular disadvantage experienced by transgender people across many walks of life. We also recognise the importance of privacy and the provision of safe spaces for girls within schools. The rights of transgender pupils should be considered alongside the rights of girls and boys. We can and must do both. However, we recognise this a very complex area. We want all children to be free from discrimination so they can learn and reach their full potential. The Scottish Government remains committed to bringing forward updated guidance in this area which would be subject to Equality and Child Rights and Wellbeing impact assessments. We continue to work on preparing the updated guidance currently. Our guidance will help schools support their transgender pupils and secure their rights, alongside those of all pupils, including girls. The Scottish Government's guidance will fully align with the Equality Act and other legislation. This guidance will help schools in their interpretation and practical application of the Equality Act.

The Equality and Human Rights Commission provides guidance on the operation of the Equality Act in schools. This guidance remains the primary source of advice for schools on compliance with the Public Sector Equality duties.

With regard to the points you raise in your e-mail, the Scottish Government communicated in Parliament, on 20 June 2019, the existing guidance produced by LGBT Youth Scotland, in conjunction with the Scottish Trans Alliance, would be updated. Use of the LGBT Youth Scotland guidance can still

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continue, however users should be mindful of the Scottish Government's position on updating the LGBT Youth Scotland guidance until the revised Scottish Government guidance is published. In the meantime, the LGBT Youth Scotland guidance should be used as part of an overall package of guidance available for schools on relationships and behaviour. With the information in these various guidance documents, head teachers and teachers should be able to exercise their judgement to ensure they keep the children and young people in their schools safe.

I hope this letter provides you with the necessary reassurance.

Yours sincerely



Stuart Downes
IAW : Support and Wellbeing Unit

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