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Dear Trina Budge, Marion Calder and Susan Smith,

Thank you for your letter dated 28 April 2022 inviting Humza Yousaf MSP, Cabinet Secretary for Health and Social Care, Shirley-Anne Somerville MSP, Cabinet Secretary for Education and Skills and Clare Haughey MSP, Minister for Children and Young People, to discuss the interim report of the Cass Review of NHS England gender identity services for children and young people. As you will understand, Ministers receive a large volume of correspondence and it is not always possible for them to reply personally to each case. On this occasion, I have been asked to respond on their behalf.

Your letter raises several matters. I will seek to address them below.

Cass Review

Scottish Government is aware of unattributed reports published at the end of April suggesting that the UK Government Secretary of State for Health and Social Care, Sajid Javid MP, is considering making legal changes to allow the Cass Review greater access to NHS data. Despite these reports, to our knowledge, UK Government has not announced this intention, nor a new inquiry in addition to the ongoing Cass review.

The Cass Review was commissioned by NHS England in autumn 2020 to make recommendations about services provided by NHS England to children and young people who are questioning their gender identity or experiencing gender incongruence.

The Review is not considering or reviewing clinical services within NHS Scotland. However, as Scottish Government has previously stated, the review's recommendations will be carefully considered in the context of NHS Scotland services.

The Cass Review's interim report comments on data collection, research and the impact of long waiting times to access gender identity services. All these are matters Scottish Government also takes very seriously.



In December 2021 we published the [NHS gender identity services: strategic action framework](#). In addition to acknowledging the need to improve waiting times this framework commits to commission Public Health Scotland to work with NHS Health Boards to improve data reporting. It also commits to work with the Chief Scientist's Office to develop research proposals, and make funding available, for research on long term health outcomes for those accessing gender identity healthcare.

Education

In August 2021 the Scottish Government published '[Supporting transgender young people in schools: guidance for Scottish schools](#)', as a result of concerns that transgender young people in Scotland experience barriers to their learning. It is recognised this can be a very difficult time for young people and their families, and it is important schools are able to provide appropriate pastoral care and support. The guidance offers education authorities and schools non-statutory guidance on legislation, policy and practice to inform their approaches to this support.

In developing this guidance, over an eighteen month period the Scottish Government engaged with a wide variety of national organisations including local government, Education Scotland, teaching unions, children's organisations, women's organisations, parents, health professionals, LGBT organisations, faith, and sport organisations. Prior to publication, the Scottish Government also prepared, and have now published, [Equality Impact](#) and [Children's Rights and Wellbeing Impact Assessments](#) for the guidance.

Your letter highlighted your concerns about children and young people being supported in schools, whilst their parents are unaware of their intent to transition. The guidance document recognises children and young people may not conform to gender stereotypes, and that is a healthy and normal part of growing up and should not lead to any assumptions being made about the child's identity. The guidance makes clear the distinction between gender non-conforming people, and transgender young people who are likely to be 'persistent and insistent' in their wish to express their gender identity.

It is expected parents and carers would be fully involved in decisions about young people considering changing their gender identity, prior to this being brought to the attention of their school. However, the guidance does recognise that schools may be required to respond to a young person who has taken the decision to consider or change their gender identity, but who has not told their family. The guidance sets out the considerations that education authority and school staff should make, including discussing these matters with the young person, and reaching an agreed position with the young person about how these concerns should be handled. This may include supporting a young person in how to make their family aware of their considerations or decision to transition. However, the guidance is clear school staff should not share information without the consent of the young person, unless there is a child protection concern. This reflects the legal position on the sharing of information about individuals.

Gender Recognition Reform Bill

It is important to note that legal gender recognition and clinical decisions about gender identity healthcare are entirely separate issues.

Conversion Practices

The Scottish Government is clear about the need to end conversion practices in Scotland – ensuring that everyone, regardless of their sexual orientation or gender identity, is safe from them. These practices are harmful, discriminatory, and have no place in our society.

The Scottish Government remains committed to introducing legislation that will end conversion practices by the end of 2023. The ban will cover both sexual orientation and gender identity.

The Expert Advisory Group on Ending Conversion Practices, has been established to consider and recommend to the Scottish Government the best approach to end conversion practices in Scotland. It is in the early stages of developing its recommendations. Once the Group's recommendations are submitted, they will then be carefully considered by the Scottish Government during the development of legislation. Additionally, a consultation period will be undertaken by the Scottish Government to ensure everyone's views are captured.

Meeting

Due to current pressures on diaries, Ministers are unable to meet with you at this time.

The email accompanying your letter stated that many of your members are patients of NHS Greater Glasgow and Clyde's Sandyford gender identity service, or have family who are. Officials are available to meet with those members to discuss their concerns. If you wish to arrange a meeting, please contact genderidentityhealth@gov.scot to make the necessary arrangements.

Yours sincerely,

Kirstin Leath
Head of Health Equity and Equalities Unit

