

<b>COMMITTEE:</b>	Education & Children's Services Committee
<b>MEETING DATE:</b>	17 March 2026
<b>BY:</b>	Depute Chief Executive Children and Communities
<b>REPORT TITLE:</b>	Gender Statement- Supporting Transgender Children and Young People in Schools
<b>REPORT STATUS:</b>	Public

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## **1 PURPOSE OF REPORT**

- 1.1 To outline to the Committee, East Lothian's *Gender Statement - Supporting Transgender Children and Young People in Schools* statement and rationale for this.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Note East Lothian's *Gender Statement - Supporting Transgender Children and Young People in Schools* guidance (Appendix 1), which is underpinned by Scottish Government guidance and Scots Law.

## **3 BACKGROUND**

- 3.1 The Scottish Government initially issued guidance on supporting transgender learners in schools in August 2021. Revised guidance was published in September 2025 following the UK Supreme Court judgment in April 2025. East Lothian's guidance is informed by the latter. This aims to help school staff to provide support for transgender young people and ensure that schools provide safe spaces for all learners.
- 3.2 Consultation took place across schools in East Lothian. The results were used to ascertain how confident and informed school staff felt in

supporting transgender children and young people. Staff were asked to identify key themes in which further guidance would be helpful in building knowledge and strengthening good practice. This shaped the formulation of the statement. Staff across all schools and wider learning communities were invited to provide feedback about the final version of the Gender Statement. Most people reported that the statement is supportive for children and young people, comprehensive and easy to understand.

- 3.3 Children and young people were also consulted on the production of the statement through focus groups. They reported that having this guidance would enable school staff to further understand their needs and better support them.
- 3.4 The statement was shared with wider partners too including Time for Inclusive Education (TIE). They stated that East Lothian was taking positive and proactive approach in devising a statement at local authority level. TIE reported that the statement aligns with legislation, is sensible, practical and is one of the best they have read.
- 3.5 The statement provides advice to school communities on such areas as: legislation, policy and guidance, inclusive approaches, toilets, changing rooms, residential trips, language, and information sharing when working with children, young people and their parents and carers.
- 3.6 This statement cannot be prescriptive or exhaustive. The Gender Statement will provide support for consistent, positive and equitable approaches for children and young people and their families.
- 3.7 Planning and implementation of approaches in relation to all practical arrangements, must be considered on an individual basis, be proportionate, lawful, and reflect the importance of privacy, dignity and wellbeing in decision making.

## **4 POLICY IMPLICATIONS**

- 4.1 Getting it Right for Every Child (GIRFEC) is the national approach to improving outcomes for children and young people by offering the right help at the right time. This statement further embeds the inclusive approach that is key within GIRFEC.
- 4.2 The *United Nations Convention on the Rights of the Child (UNCRC)* was incorporated into Scots Law, effective from July 16, 2024. The rights within the Convention apply to everyone under 18 in Scotland. The UNCRC covers all aspects of children's lives, including civil, political, economic, and cultural rights. This guidance further strengthens our commitment to children's rights.

- 4.3 The Equality Act (2010) provides legislative protection for children and young people with ‘protected characteristics’ (e.g. age, race, disability and sexual orientation) from discrimination. This guidance will further embed our inclusive approach, continuing to develop equality for all.

## 5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: None

## 6 INTEGRATED IMPACT ASSESSMENT

- 6.1 **Select the statement that is appropriate to your report by placing an ‘X’ in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council’s role as a corporate parent; or the storage/collection of personal data.

**or**

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

Subject	Impacts identified (Yes, No or N/A)
Equality and human rights	
Socio-economic disadvantage/poverty	
Climate change, the environment and sustainability	
Corporate parenting and care-experienced young people	
Storage/collection of personal data	

Subject	Impacts identified (Yes, No or N/A)
Other	

## 7 APPENDICES

- 7.1 Gender Statement- Supporting Transgender Children and Young People in Schools

## 8 BACKGROUND PAPERS

- 8.1 *Supporting Transgender Pupils in Schools Guidance for Scottish Schools (Revised) (2025)* <https://www.gov.scot/publications/supporting-transgender-pupils-schools-guidance-education-authorities-schools-revised/documents/>

## 9 AUTHOR AND APPROVAL DETAILS

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<b>Name</b>	Nicola McDowell
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<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	yes
<b>Approval Date</b>	23.02.26

## Included, Engaged & Involved

### Gender Statement – Supporting Transgender Children and Young People in Schools

January 2026



**getting  
it right**  
*for every child*

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## Introduction

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*Across East Lothian we are ambitious for our children and young people and working together, we will support them to be confident, resilient and to achieve within their schools and wider communities. Working in partnership with Children's Services, we aim to ensure everything we do starts with the child and family and builds the right support and services around them.*

*Working together, we:*

- share common values, approaches, behaviour and a strong commitment to do the very best for East Lothian's children and young people;*
  - are ambitious for our children and young people;*
  - promote and prioritise early intervention and prevention;*
  - take a relationship-based approach with each other, our children, young people and their families promote creativity and innovation and*
  - want East Lothian to be an inclusive place to live and learn.*
- 

This statement cannot be prescriptive or exhaustive. The Gender Statement will provide support for consistent, positive and equitable approaches for children and young people and their families.

Planning and implementation of approaches in relation to all practical arrangements, must be considered on an individual basis, be proportionate, lawful, and reflect the importance of privacy, dignity and wellbeing in decision making. Engagement from children and young people and their families must be demonstrated when reaching agreement on what is appropriate.

This statement reflects the duties of the Equality Act 2010 and our approaches to Getting it Right for Every Child. It follows the recent UK Supreme Court's ruling on the definition of "sex" in the Equality Act 2010, and the Court of Session decision on the statutory requirement for schools to provide separate toilets for boys and girls. The statement also reflects East Lothian Council's responsibilities under equity and human rights law. The purpose of this statement is to ensure schools are safe spaces for all children and young people.

For the purposes of this statement, 'biological sex' is taken to mean sex assigned at birth.

## 1.1 Use of terminology

### 1.1.1 Parent/carer

Throughout this policy the term parent(s) will be used to apply to anyone with parental responsibilities and rights, those providing a foster or residential placement, or the local authority where full parental responsibility rests with them as corporate parents. In the case of care experienced children and young people and those in kinship care, this is also taken to mean 'carer'.

### 1.1.2 Child

Statutory guidance which supports the Children and Young People (Scotland) Act 2014, includes all children and young people up to the age of 18  
Eligible child: a child in school education who has attained the age of 12 but not 16 and who has been assessed as having capacity (sufficient maturity and understanding) to exercise their rights under the Act, and that the education authority (or Tribunal) considers the wellbeing of the child would not be adversely affected by the child exercising their rights.

### 1.1.3 Young Person

A person who is aged 16 years or over, who is a pupil at a school, and has, since attaining the age of 16 years or over, remained a pupil at that or another school.

## Section 1

### 1.2 Key Legislation. Policy and Guidance

Although not limited to, this statement should be read in conjunction with the following:

- *The Equality Act (2010)* provides legislative protection for children and young people with 'protected characteristics' (e.g. age, race, disability and sexual orientation) from discrimination
- *The Children and Young People Act (2014)* provides effective and targeted services for children and families as well as the promotion of children's rights through Getting it Right for Every Child.
- *The Cass Review – Independent Review of Gender Identity Services for Children and Young People (2024)* outlines the role of 'understanding the nature of the

child/young person's well-being and functioning in their education setting and quality of peer/social relationships'.

- *Curriculum for Excellence* aims to provide a coherent, flexible curriculum for all children and young people aged 3-18 years. The curriculum comprises of the totality of experiences which are planned for children and young people wherever they are being educated. Entitlement includes: a coherent curriculum from 3-18 years; a broad general education until S3; a senior phase after S3 and personal support to enable them to gain as much as possible from the curriculum and support in moving into a positive and sustained destination beyond school.
- *Supporting Transgender Pupils In Schools Guidance for Scottish Schools (Revised) (2025)* aims to help school staff to provide support for transgender young people. It also aims to ensure that schools provide safe spaces for all learners.
- The *United Nations Convention on the Rights of the Child (UNCRC)* was incorporated into Scots Law, effective from July 16, 2024. The rights within the Convention apply to everyone under 18 in Scotland. The UNCRC covers all aspects of children's lives, including civil, political, economic, and cultural rights.
- *UK General Data Protection Regulation (UK GDPR) and Data Protection Act (2018)* provides the legal framework for the processing of personal data.
- *The Age of Legal Capacity (Scotland) (Act 1991)* states that a child of 12 and over is presumed to have sufficient capacity to make decisions and enter into formal agreements on their own behalf.
- *Getting It Right for Every Child (GIRFEC) framework* Scotland's long standing, national commitment to provide all children, young people and their families with the right support at the right time, so that every child and young person can reach their full potential.
- *The General Teaching Council for Scotland (GTCS) Professional Standards (Standard for Provisional Registration and Standard for Full Registration)* This was refreshed August 2021. These act as a benchmark for professional competency and enhancing overall professionalism in the field.
- *The National Guidance for Child Protection in Scotland (2021, updated 2023)* This guidance describes the responsibilities and expectations for all involved in protecting children and will support the care and protection of children.
- *Article 8 of the European Convention on Human Rights (ECHR)*, this protects the right to respect for private and family life – which has been interpreted by the

courts to encompass a person's identity, dignity, and autonomy, including matters relating to gender identity.

### 1.2.1 Inclusion Principles

In response to local and national legislation, this statement is based on the following principles:

- All children and young people have the right to get the support they need to benefit fully from their education.
- All children and young people should have access to learning environments which promote respect and equality, positive relationships and celebrate diversity.
- All learning environments should feel safe and nurturing for children and young people.

## Section 2

### 2.1 Use of Language to support transgender children and young people

Terminology and use of language is constantly evolving which poses challenges. Learning communities should keep in mind that:

- Children and young people's understanding of their identity may be developing. A child or young person does not need a 'label' to receive support.
- Good practice is to ask a child or young person how they identify themselves. It is helpful if teachers are led by the child or young person and allow them to explore their own definition and understanding of gender.
- School staff are not expected to be experts. What is most important is the genuine commitment that educational staff demonstrate to get it right for each individual child or young person.
- Preferred terminology may differ between individuals, depending on personal preference.

## 2.1 Changing Name, Pronouns, Sex, and Recording in Educational Records

Children and young people, 12 and over and with capacity, can update educational records held for them. Children and young people can also ask informally if they would like to be addressed differently. Finding out from children and young people who they would like to know of any changes and how this will be shared is considered good practice. It is important to be clear that if changes are made on records, then all staff will be aware. Learning communities should be aware that:

- The age, stage, and capacity of understanding of children and young people are all factors to be considered throughout the approach taken.
- The UNCRC says in Article 12 that: *Every child or young person (including transgender young people) should be involved in all decisions affecting them, understand any action which is taken and why; and be at the centre of any decision making.*
- Some children and young people who are transgender change their name and/or pronouns, while others don't.
- All views, preferences and wishes should be treated with respect and educational professionals should use the name/pronoun they have been asked to use.
- A child or young person's choices may vary depending in different environments e.g. in school and out with school and may change over time.
- It is acceptable to ask the child or young person, at an appropriate time, what is preferred if professionals are unsure.
- When a child or young person wishes to change their name informally, schools can update the school records held in SEEMiS using the box 'Known As'. This option can be used to record other names a child or young person may use in school and improves consistency of staff practice. See appendix on how to change the Known As field on SEEMiS.
- Any changes made should be discussed first with the child or young person to ensure that they would like all teachers in the school to be aware of their name change.

- Guidance<sup>1</sup> from Scottish Government recommends that to recognise the rights of all parents and carers, they should be brought into this discussion at as early a point as possible, as discussed with the child or young person.
- Note: to ensure clarity regarding the request to change names, consult the Name Change Process.

## Section 3

### 3.1 Toilets and Changing Spaces

The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 states that schools must provide separate toilet facilities for boys and for girls. It also states that the facilities must be made available on the basis of biological sex. Accessible toilets must also be provided. Inclusive learning environments should:

- Reflect the wider changes in society, where recent practice has meant that schools are now designed to also include facilities that are gender neutral.
- Recognise that not all toilets and changing rooms need to become gender neutral but, it is important that all children and young people have a changing space that supports them to feel safe and comfortable.
- Ensure children and young people are being treated with dignity and respect, with all reasonable steps being taken to accommodate and support personal needs.

## Section 4

### 4.1 School Uniform

Schools in East Lothian have a uniform code which is relevant to their own context. To ensure that all learners feel comfortable and included:

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<sup>1</sup> Supporting Transgender young people in schools: guidance for Scottish schools, August 2021, revised September 2025

- In schools where there is a school uniform, there should be a gender-neutral option available for all learners.
- Specific items of uniform should not be assigned based on gender, rather all learners should be allowed to wear the uniform in which they feel most comfortable.
- In schools where there is not a school uniform, learners should be allowed to wear the clothing they want, regardless of gender identity, if it complies with school guidelines including in relation to health and safety.

## Section 5

### 5.1 Social Dancing

Many East Lothian schools hold events such as ceilidhs, proms and school discos which can include partnered dance. It is important that:

- Schools ensure there are no restrictions on who children and young people can dance with.
- Schools take a considered and common-sense approach towards the traditionally gendered aspects of dances. It can be recognised that many dances have been gendered in the past, and this does not have to be any longer.
- Schools look for ways to ensure that this doesn't exclude transgender children and young people or result in any child or young person feeling unnecessarily uncomfortable and/or vulnerable to negative experiences.

### 5.2 Physical Education

Physical Education (PE) is an important part of Curriculum for Excellence and supports children and young people's health and wellbeing. East Lothian Council, aligning with national guidance recommends that:

- An inclusive and considered approach should be taken, as above, to ensure that transgender children and young people can participate in PE.
- Reasonable adjustments should be made to groups, class allocations, activities, clubs, and competitive opportunities to allow all children and young people to participate.

- If PE classes are organised by sex assigned at birth, a transgender learner should be allowed to take part within the group which matches their gender identity.
- Non- binary learners should be asked which group they would feel most comfortable being with.
- School competition(s) should take account of the age and stage of development of the participants.
- For inter-school competitions, the same approaches to ensure fairness and safety should apply. It may be helpful to a child or young person, if staff in the other school(s) are aware that there is transgender child or young person in your team/competition, **but only with their consent**.

Schools should allow transgender children and young people to wear sportswear and clothing which matches their expressed gender identity, ensures safe participation and enables them to feel most comfortable.

## Section 6

### 6.1 Day and Residential Visits

Trips and residential experiences can be a fun and exciting part of school. Planning should consider the needs of transgender young people. This should include:

- Contacting the venue ahead of time to ascertain the facilities available and allow for informed planning to then happen.
- For residential trips, significant engagement with children and young people and their families. This can include the allocation of rooms and sharing arrangements.
- Schools considering making alternative arrangements in response to needs, including giving a transgender child or young person their own room where appropriate.
- Giving consideration that enables all children and young people to share a room with the gender that most aligns to their identity, as long as the rights of all those involved are considered and respected.

- Any concerns expressed by children and young people are addressed in a reasonable and proportionate way that takes account of the rights of all children and young people.

## Section 7

### 7.1 Confidentiality and Working with Parents, Carers, and Families.

- Positive engagement with children and young people is vital and should be within the boundaries of what they are comfortable sharing about their home situation. Schools should consider what the barriers might be and to try to facilitate communication around this. Legislative approaches to confidentiality, privacy and safeguarding are paramount when all supporting children and young people, including transgender children and young people. Depending on the particular circumstances of individual children and young people, schools may require to take legal advice on any approach or proposed approach.

This includes the following practices:

- School staff must fulfil their legislative duty of care in relation to any instances where there is a safeguarding and or child protection concern.
- In line with GIRFEC, children and young people should be involved in all decisions affecting them and understand what is happening and why. The Child Planning Framework is used to support this process.
- A transgender young person may not have told their family about their gender identity. Inadvertent disclosure could cause needless stress for the young person or could put them at risk and breach legal requirements. It vital not to share information with parents or carers without considering and respecting the young person's views and rights.
- In instances where there is a difference of view between learners and their families, the team around the child or young person should focus on promoting open and positive lines of communication.

## Section 8

### 8.1 The Curriculum

The four capacities of Curriculum for Excellence aim for learners to be confident individuals, effective contributors, responsible citizens and successful learners. Lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) education should be integrated across all curricular areas. Health and Wellbeing is a curricular area and a responsibility of all teachers. This means that:

- The Experiences and Outcomes in the curriculum are designed to allow teachers the flexibility to include different contexts and themes based on what their children and young people need to know, appropriate for their age and stage.
- As transgender identities are discussed more and more in society, it is important the curriculum reflects that and enables learners the opportunities to explore this topic.
- Transgender identities should be included alongside other identities in classroom/school displays, resources and learning materials. This is to ensure transgender children and young people feel respected, represented and included in their learning environment.
- Ensuring that the Relationships, Sexual Health and Parenthood curriculum is utilised across all curricular areas, at an age and stage appropriate level to support all children and young people, including transgender children and young people.

## 8.1 Early Learning and Child Care; The Impact of Conscious and Unconscious Gender Bias

Learners can receive and absorb gender-stereotyped messages about what they can and cannot do according to their sex from a very early age. It is essential that school experiences provide children and young people with:

- The opportunity, encouragement and support to access all areas of the curriculum from this early stage so as to not limit aspirations or equality of opportunity in the future.
- Environments that encourage non-gendered norms and expectations, enabling all children and young people to feel accepted and celebrated for their individuality.
- Breaking down gender stereotypes from a young age helps to stop the negative consequences of inequality and discrimination as it can support

children and young people to grow into adults who aren't limited by expectations based on their sex assigned at birth.

## Section 9

### 9.1 Responding to Concerns

East Lothian Council aims to work in partnership with children, young people and parents/carers. However, we understand that at times there may be disagreement about how a child or young person is supported. Anyone has the right to make a formal complaint if they are unhappy about our action(s) or, lack of action(s), or about the standard of service provided by East Lothian Council or on our behalf. More information on the complaints process can be found on the council's website at:

[https://www.eastlothian.gov.uk/info/210560/your\\_council/12166/comments\\_complaints\\_and\\_compliments/2](https://www.eastlothian.gov.uk/info/210560/your_council/12166/comments_complaints_and_compliments/2)

## Appendix 1 Further Sources of Information

Please see below for a list of links to further information, guidance and sources of support.

- <https://sites.google.com/edubuzz.org/eastlothianeduhub/caring-relationships/uncrc-and-rights-respecting-schools-award> A source of information about the UNCRC articles, resources and ongoing work happening in East Lothian schools.
- [https://drive.google.com/file/d/1LHXUablP\\_3bE1U75BQydOkKJkcXOQqbz/view](https://drive.google.com/file/d/1LHXUablP_3bE1U75BQydOkKJkcXOQqbz/view) Respect for All (A Positive Approach to Preventing Bullying) East Lothian Council's policy in full.
- [3.3 Technical guidance for schools Scotland updated September 2023 1.docx](#) This guidance applies to the provisions in the Equality Act 2010 that were brought into force on 1 October 2010, and the extension of reasonable adjustments to include auxiliary aids and services that was brought into force on 1 September 2012.
- [Cass Review – implications for Scotland: findings report - gov.scot](#) The Chief Medical Officer established a multidisciplinary clinical team to consider, in the context of Scottish services, the recommendations of the NHS England commissioned Cass Review on gender identity services for young people. That work is now completed, and the findings outlined in this report.
- <https://lgbtyouth.org.uk/> Scotland's national charity for LGBTQ+ young people, aged 13-25. We support young people in all aspects of their lives through the provision of amazing youth work, and we support them to use their voice to create change in equality and human rights.
- <https://tie.scot/news/guidance/> Time for Inclusive Education (tie) are an organisation that address homophobic, biphobic and transphobic prejudice and bullying through education. The Scottish Government has published Guidance on LGBT Inclusive Education for education settings in Scotland. This is an overview of the guidance and what it provides.
- <https://education.gov.scot/resources/realising-the-ambition/> Realising the Ambition: Being Me builds upon the original principles and philosophy of Pre-Birth to 3 and Building the Ambition. The new guidance retains the relevant content from the previous guidance which it replaces, extending and strengthening it in line with current research and evidence about how children develop and learn.

- [Hate Crime and Public Order \(Scotland\) Act 2021](#) Hate crime is a term used to describe behaviour which is both criminal and rooted in prejudice. This means that the law has been broken, and the offender’s actions have been driven by hatred towards a particular group. “The Act” - passed by the Scottish Parliament in 2021 and implemented on 1 April 2024 - will provide greater protections for those who are targeted by hate crime.
- <https://www.gov.scot/publications/guidance-lgbt-inclusive-education/> Guidance to education authorities and schools on the national approach to LGBT inclusive education. The recommendations enable the teaching of LGBT matters across the curriculum within the principles of Curriculum for Excellence. They shape the national approach to LGBT inclusive education and support schools to develop respectful and tolerant learners.

## Appendix 2 Recording changes to names using ‘Known As’ on SEEMiS

To update Known As filed in SEEMiS go to **Application > Records > Edit**

To make a change:

- Click the padlock icon highlighted below
- Make the change and enter as an ‘Actual change’, a reason must be entered, and the date of the change will display on screen.
- Select OK

(Note: A report on any changes made can be viewed in the Records | Student Name Change History menu).

The screenshot shows the SEEMiS 'Edit' form for a student's name. The form is titled 'Authority Custom Tab' and includes a navigation bar with various tabs: Basic, Address, Contact, Notes, SQA, Ethnic, Health, Gaelic, Activities, Consents, Child Protection, Establishment Contact, LAC, 16+, Armed Forces, Data Sharing, Personal, Language, Transport Request Status, User, and Authority. The main form area contains the following fields:

- Forename: Aiden
- Known As: Den
- Surname: Brandon
- Date of Birth: 16/12/2008
- Sex: Male
- Year/stage: Secondary 4
- Reg Group: 4.3
- House: Islay
- Guidance: Calum Will Douglas

A red notification message states: "Name changed on 17/10/24". On the right side of the form, there is a 'Pictures' button and a placeholder for a student photo. At the bottom right, there are 'Clear' and 'Load' buttons.

Change Student Name ✕

Forename

Known As

Surname

Actual change  Spelling change

Reason