

# STATES OF JERSEY



## TREATING CHILDREN AS CHILDREN

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Lodged au Greffe on 26th January 2026  
by Deputy Sir P.M. Bailhache of St. Clement  
Earliest date for debate: 24th February 2026

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STATES GREFFE

## PROPOSITION

**THE STATES are asked to decide whether they are of opinion –**

to request the Minister for Education and Lifelong Learning to replace the existing [Trans Inclusion Guidance](#) (Non-statutory guidance for CYPES including schools and educational settings in Jersey) published on 17th March 2025 with the document entitled “Treating children as children: a safeguarding approach to trans-identifying children and adolescents in Jersey schools” contained in Appendix 1 to the report accompanying this proposition and to make this available to all schools and educational settings.

DEPUTY SIR P.M. BAILHACHE OF ST. CLEMENT

## REPORT

### Introduction

1. The proposer of this motion has been approached by members of the Women's Rights Network, Jersey ("WRNJ") who are unhappy with the [Trans Inclusion Guidance \(Non-statutory guidance for CYPES including schools and educational settings in Jersey\)](#) (hereafter "the existing guidance") published on 17th March 2025. Their view is that the existing guidance is too much influenced by a flawed and mis-applied equality and inclusion agenda to the prejudice of safeguarding children in general. The proposer wishes to emphasize at the outset that neither he, nor the members of Women's Rights Network, Jersey with whom he has been working, is transphobic nor careless of the interests of the small number of vulnerable children who suffer from gender dysphoria. The aim must surely be to issue guidance which is centred upon safeguarding **all** children in schools, including those suffering from gender dysphoria.
2. The view that the existing guidance is flawed is shared by many others apart from members of WRNJ. A [petition](#) calling upon the Department to revoke the existing guidance on the ground that it was not fit for purpose was signed by 1107 parents and other individuals. The Minister responded to that petition dismissively. Indeed, the Minister and his officials have been generally unwilling to engage with members of the WRNJ in relation to the existing guidance. A booking for a presentation by Stephanie Davies-Arai BEM, (a distinguished expert on child safeguarding and founder of Transgender Trend), due to be held in premises at Highlands College, was cancelled at the last moment on the ground that her values did not "align with Government policy".

Teachers and staff were strongly discouraged from attending the presentation and, in the event, only one individual did so. The proposer of this motion wrote to the Minister on 31st October 2025 sending him a copy of the alternative guidance entitled "Treating children as children: a safeguarding approach to trans-identifying children and adolescents in Jersey schools" (hereinafter "the proposed guidance") and asking whether he might, with members of WRNJ, attend upon the Minister and his officials to discuss the issues and stating that they would make themselves available at any time during November. There was no response to that communication. This proposition is the consequence of that negativity and lack of engagement.

### Flaws in the existing guidance

3. The existing guidance is muddled and contradictory. It purports to express the view that schools have a responsibility to ensure that all children are safe and feel safe but at the same time adopts an activist script that children can be labelled as "trans" and therefore fall outside a normal safeguarding framework. 'Sex' is a protected characteristic whereas 'gender' is not. The activist script takes no account of the fundamental changes in approach brought about by the independent review conducted at the request of NHS England by Dr Hilary Cass and her team, the final report of which was published in April 2024 ("[the Cass Review](#)"). Safeguarding leads in Jersey should be familiar with that report and with the Mind Ed hub training designed by the Cass Review team specifically

for teachers and professionals working with children. The training gives an overview of the conflicting approaches to the cohort of gender dysphoric children, viz. “watchful waiting” and “gender affirmative”. “Watchful waiting” advocates a cautious non-interventionist approach; a “gender affirmative” approach is one which allows or encourages children to adopt transitioning by changing clothing, names, or pronouns or other social means to express their chosen gender identity. The existing guidance supports the latter approach. The Cass Review recommended the former.

4. The 'gender affirmative' approach is an extreme political view that is currently being challenged throughout society. Teaching and implementing this approach could be construed as political indoctrination. Society does not function on the basis of self-identification of sex; this policy, which is being advocated in Jersey schools, is outside the law and schools could face legal challenge. Some of the flaws in the existing guidance, but not all, are commented on below.

#### *The principles in the existing guidance*

5. These are confused. “Schools ... should adopt a 'watch and wait' policy”. But in the next sentence there is a reference to supporting 'trans' children. Who decides that a child is 'trans'? The teacher? The child? Teachers are not qualified to make those decisions, but nor is the child. The principles address the Discrimination (Jersey) Law 2013 and speak of the protected characteristic of gender reassignment. “Children and young people who meet the criteria ... may access facilities in line with their gender identity should they wish to do so”. Gender reassignment is irrelevant to children. Children (those under 18) cannot obtain a gender reassignment certificate under the Gender Recognition (Jersey) law 2010. Again, “Decisions about medical transition are made outside of education settings”; true, but also irrelevant for children, who no longer undergo medical transition.

#### *Definitions*

6. This section asserts that it uses “language and terms that provide clarity”. Yet it introduces the term “non-binary” which is later defined as an umbrella term “for people whose gender identity doesn’t sit comfortably within 'man' or 'woman’”. This definition presents non-binary as having some objective reality and overriding biological sex. Being a boy, girl or non-binary are presented as equivalents; this defies biological reality. A boy will grow up to be a man and girl to be a woman. The guidance promotes an ideological position by advising teachers to treat children in accordance with an unscientific belief in gender identity.
7. This section of the guidance also wrongly invokes the [Discrimination \(Jersey\) Law 2013](#) as placing a duty on schools not to discriminate on the ground of gender reassignment “which means support must be provided to trans pupils as it would be to any other pupil”. Schools should indeed support all children but that has nothing to do with the Discrimination Law which is completely irrelevant in this context.
8. This section wrongly branches into an encouragement for schools to allow trans pupils [sic] to socially transition i.e. to change clothing, names and pronouns as

“a means to enable them to explore their gender identity safely”. The Cass Report viewed social transitioning as “an active intervention” that “may have significant effects on the child or young person in terms of their psychological functioning and longer-term outcomes”. The Cass Review found that children who were affirmed and socially transitioned were more likely to progress to a medical pathway.

#### *Staff and teacher training*

9. Staff and teachers should be encouraged to refer to independent evidence-based sources, such as the [Mind-Ed hub training](#) devised by the Cass Review team. The Useful Links at the end of the existing guidance point towards ideologically motivated, political, activist organisations which should have no place in staff training. The Mermaids were investigated by the UK Charities Commission in 2022 and were criticized for supplying breast binders to minors without the knowledge of their parents. In the same year a trustee of Mermaids resigned after it was revealed that he had spoken at a conference organised by a paedophile support group.

#### *Toilets and changing rooms*

10. The guidance states baldly that “Children in transition must be allowed to choose which toilets they wish to use”. In other words, boys who identify as girls must be allowed to use female toilets. This is now contrary to legal advice which follows the judgment of the Supreme Court of the UK in [For Women Scotland Ltd v The Scottish Ministers](#). Mixed sex toilets are not safe for girls who are at risk of sexual harassment and voyeurism. Post-pubertal girls in particular need privacy. The guidance is unclear on the use of changing rooms. It states “**Ideally** [my emphasis] a child should be able to choose which changing room they wish to use”. This is again contrary to the legal position which is that girls are entitled to use changing facilities which are confined to use by their own sex. The guidance is confused and wrong. A boy identifying as a girl should not be permitted to use female changing rooms. In highly unusual circumstances, a troubled individual may have to have special arrangements made for him.

#### *Residential trips*

11. The guidance states – “CYPES recommends that, so far as possible, trans children [sic] and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity.” In other words, boys who identify as girls should be able to spend the night in girls’ dormitories. Yet the guidance also states – “In allocating sleeping arrangements . . . , each child’s sex is relevant. Schools and educational settings must meet their safeguarding obligations set out in the *Keeping Children Safe in Education Policy*.” There is no doubt that, from a safeguarding perspective, boys should not be permitted to spend the night in girls’ dormitories. The guidance should not equivocate.
12. The section also states that “Some pupils who are trans may choose to use different types of undergarments to support them in feeling comfortable in their gender identity”. This appears to advocate that teachers should turn a blind eye

to a girl putting a prosthetic penis in her underwear to imitate the appearance of a boy; or a boy tucking his penis and testicles up between his legs to imitate the appearance of a girl. Apart from being dangerous (in the case of a boy), this too raises safeguarding issues. How can a responsible adult advise children to disguise their genitals?

### *Science lessons*

13. The guidance advocates, among Changes that could be made to support children in school – “Science lessons to include gender more broadly.” Gender has no place in science lessons because it is not a scientific term. The belief that 'gender' is an innate essence is not factual and should not be taught to children as a reality.

### *Language*

14. Staff and teachers are encouraged to an activist mindset by the paragraph on 'Language'. The guidance states – “The language of 'ladies' and 'gents' may give an implicit message about what it is to be a woman or a man and therefore reinforce certain stereotypical ideas of 'femaleness' and 'maleness'.” Being female or male is not a stereotype but a biological reality. It is a biological reality, and there is no reason to confuse children by suggesting otherwise. Staff are instructed to use the name and pronoun requested; in other words, teachers must refer to a trans [sic] boy as “she”. This social transitioning of children is not 'watchful waiting'.

### **Summary of existing guidance**

15. The existing guidance, which is attached for ease of reference as the second schedule to this report, is not fit for purpose. Children who exhibit tendencies towards gender dysphoria are almost invariably very vulnerable. Safeguarding their interests is hardly ever more important than in relation to such children. Their uncertainties and vulnerabilities should not be encouraged by an activist stance. The developmentally appropriate approach is, as recommended by the Cass Review, one of 'watchful waiting'. Regrettably, the existing guidance does not embody that approach as a clear recommendation for teachers and staff.
16. The Memorandum of Understanding Checklist attached as Appendix 2 to the existing guidance is extraordinary and disturbing evidence of the activist approach advocated by the Education Department in relation to children who are purportedly being supported. Its reference to the Discrimination (Jersey) Law is legally inaccurate; its overt encouragement to the child to transition to a different gender is frankly alarming.

### **Treating children as children (the proposed guidance)**

17. The proposed guidance in the first schedule to this report has been drafted by Stephanie Davies-Arai, a distinguished expert who has been honoured by the Crown for her work in safeguarding children. Members are encouraged to read it carefully. It embodies a moderate and sensible approach to trans-identifying children. As the author states in her opening paragraph –

*“The issue of trans-identifying children in schools should be viewed through a safeguarding lens rather than a social justice, diversity or human rights framework that does not distinguish between adults and children. All children should be treated as children first to ensure that they are kept safe from harm”.*

18. The author suggests as a governing principle that “children should be left to explore identity without being either shamed or 'affirmed' by adults in school”. A disclosure of trans-identity by a child or adolescent may be an indication of a safeguarding concern, unlike coming-out as gay, lesbian or bisexual.
19. Young children are still learning to distinguish between reality and fantasy. A young child cannot be considered “trans” because they lack an understanding of biological sex. Treating a child as the opposite sex may cement the child’s belief, particularly when the affirmation comes from a person in authority like a teacher.
20. Adolescents are beginning to discover their sexual orientation, but they are at a critically fluid stage of identity exploration which may not become stable until much later. Treating an adolescent child as if their identity is fixed, by affirming their current belief, is potentially damaging. They may have been influenced by ignorant online platforms or by social contagion from their peers.
21. The proposed guidance argues for scientific and evidence-based teaching grounded in fact. This includes the facts around biological sex. Teaching children gender identity as fact is misleading and risks causing confusion to children about their own bodies. Children should not be compelled to use wrong-sex pronouns about other pupils nor should children be identified as “trans” because that presupposes the outcome of the child’s belief. The acronym LGBT confuses two different issues. Sexual orientation is an objective fact whereas transgender is an identity belief with no basis in material reality.
22. Members are encouraged to adopt the proposed guidance for teachers and staff and to direct the Minister to publish it as departmental guidance in schools and educational settings.

### **Financial and staffing implications**

There is no anticipated financial or staffing implications as the proposed new guidance has already been authored it would only need to be published by the Government. However, there may be a requirement to provide budget for potential training of teachers on the new guidance. This is anticipated to come from the existing Education department budget.

### **Children’s Rights Impact Assessment**

A Children’s Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

## **Appendix 1**

### **Treating children as children: a safeguarding approach to trans-identifying children and adolescents in Jersey schools**

**Treating Children as Children:  
A Safeguarding Approach to  
Trans-Identifying Children and Adolescents  
in Jersey Schools**

Written by Stephanie Davies-Arai  
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## **Treating Children as Children: A Safeguarding Approach to Trans-Identifying Children and Adolescents in Jersey Schools**

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### **1. Principles and Approach**

#### **1.1 Guiding Principles**

##### **Follow a safeguarding approach that treats children as children**

The issue of trans-identifying children in schools should be viewed through a safeguarding lens rather than a social justice, diversity or human rights framework that does not distinguish between adults and children. All children should be treated as children first to ensure that they are kept safe from harm.

Children should never be expected to be involved in decision-making about their own safeguarding. It is the adults' job to set safeguarding policy. In the context of safeguarding, "the voice of the child needing to be central"<sup>1</sup> is not appropriate.

Safeguarding decisions must prioritise the child's safety and well-being. This may sometimes require overriding a child's expressed wishes if those wishes conflict with objective assessments of risk, harm, or legal requirements.

Children are not adults: we should not confuse children's rights with adult rights, for example adult rights to agency, autonomy and decision-making. Assuming these rights for children takes away age-appropriate protections.

Rights are gained as the child reaches adulthood. Schools must consider risks and long-term consequences for the child of any approach that may jeopardise the child's rights to an open future and access to full adult rights.

##### **Treat trans-identifying children within this safeguarding framework**

A child who self-identifies as 'transgender' has the same rights as every other child to be safeguarded. Trans-identified children must not be placed outside normal safeguarding frameworks. These children have the same susceptibility to outside influence, grooming or bullying as any other child, and possibly more so given the high rate of adverse factors and vulnerabilities typical of this cohort. Teachers must not dismiss potential safeguarding concerns just because a child identifies as 'transgender.'

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<sup>1</sup> Trans Inclusion Guidance (Non-statutory guidance for CYPES including schools and educational settings in Jersey) (March 2025)

Schools have a responsibility for the wellbeing, safety and rights of all children in the school community. An adolescent who discloses they are gay has no impact on the rights and safety of other children. A child who discloses a “trans” identity, however, may lead to school policies that are not compatible with the school’s duty to protect the rights and safety of all children. Safeguarding policies that ensure the protection of all children in the school must not be compromised or discarded for the misguided assumption of benefit to one group of children.

### **Treating children as children is consistent with Jersey laws and policies**

This approach is entirely consistent with the relevant Jersey laws and prioritises with regard children. The **Keeping Children Safe in Education (KCSIE)** (Jersey, 2025) statutory guidance emphasises the critical role of parents in safeguarding gender-questioning children, requiring schools to involve parents when addressing gender distress unless there is a clear risk to the child, ensuring parents are central to decision-making<sup>2</sup>. This approach aligns with the Cass Review’s evidence-based recommendation to prioritize exploring underlying issues over immediate identity affirmation without parental input<sup>3</sup>.

The United Nations Convention on the Rights of the Child (UNCRC) similarly prioritises child protection over adult-like autonomy, aligning with the treaty’s core principles. **Article 3** mandates that adults make decisions in the ‘best interests of the child,’ ensuring schools protect all children through a safeguarding lens. **Article 5** actively entrusts parents with the right and duty to guide their children, directing adults to set safeguarding policies in line with children’s ‘evolving capacities’ and rejecting child-led decision-making to maintain age-appropriate protections. **Article 19** demands equal protection from all forms of harm, while **Article 36** safeguards against ideological exploitation, supporting holistic, evidence-based approaches.

### **Involving parents should be the default position**

Parents of gender-questioning children should be informed as they have primary responsibility and concern for their child. Informing parents must always be the default position unless there are already safeguarding concerns regarding the family, in which case the school has a duty to inform the relevant authorities. Refusing to agree to their child’s transition does not constitute a safeguarding risk: it is likely to reflect a legitimate parental concern for their child’s well-being.

The KCSIE statutory guidance underscores the critical role of parents in safeguarding gender-questioning children, requiring schools to involve parents when addressing gender

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<sup>2</sup> Keeping Children Safe in Education (KCSIE) (Jersey, 2025), Annex B: “schools must involve parents ‘unless there is a clear risk to the child’ when addressing gender distress.”

<sup>3</sup> KCSIE (Jersey, 2025), Annex B, referencing the Cass Review’s emphasis on exploring underlying issues through evidence-based approaches.

distress unless there is a clear risk to the child, thereby ensuring parents are central to decision-making<sup>4</sup>. Article 10 of the Children and Young People (Jersey) Law 2022 mandates engaging parents in early help assessments to address complex needs holistically, ensuring safeguarding decisions are adult-led and prioritize the child's well-being<sup>5</sup>.

### **Learning and policies must be factual and evidence-based**

All teaching should be fact-based to ensure educational standards and outcomes, and any approach towards children should be developmentally informed and evidence-based. This is an important factor in keeping children safe.

## **1.2 Comparing Approaches**

### **Watchful waiting**

Historically, **watchful waiting** was the clinically-established approach towards children who expressed a cross-sex identity. This was a developmentally-informed approach which recognised that the vast majority of these children would naturally become reconciled with their birth sex by the end of adolescence.

The approach was tailored to individual needs and could include family therapy if there were concerns about the cause of the child's identification.

It was recognised that the reasons for a cross-sex identity in a child could range from a normal phase of childhood development to previous sexual abuse or trauma.

The results of twelve studies of persistence and desistance in children show that around 85% desist. The most likely outcome is for these children to become gay, lesbian or bisexual in adulthood.<sup>6</sup> The least likely outcome is for the child to become transsexual as an adult.

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<sup>4</sup> Keeping Children Safe in Education (KCSIE) (Jersey, 2025), Annex B: "schools must involve parents 'unless there is a clear risk to the child' when addressing gender distress."

<sup>5</sup> Children and Young People (Jersey) Law 2022, Article 10: "engaging parents in early help assessments to address complex needs holistically."

<sup>6</sup> [http://www.sexologytoday.org/2016/01/do-trans-kids-stay-trans-when-they-grow\\_99.html](http://www.sexologytoday.org/2016/01/do-trans-kids-stay-trans-when-they-grow_99.html)

## Gender affirmation

The **gender affirmative** approach is a new, activist-led model which affirms the child's cross-sex identity as reality without any question.

The first step in gender affirmation is **social transition**, where a boy is affirmed as a girl/a girl is affirmed as a boy. This may involve a full social role change, including name/pronoun, clothes, haircut, change of legal documents.

The first large (ongoing) study from the US of children who have been affirmed and socially transitioned since early childhood shows, by contrast, that only around 3% desist in their cross-sex identity, and an increased likelihood of progression to medical intervention.<sup>7</sup>

Adults at school are not trained clinicians and therefore should not be intervening or directing children down any pathway. Where children need support, they should be referred to their clinician.

However, a clinician's responsibility is only to the child who is his/her patient. A school has a responsibility towards every child in the school.

Clinicians do not have the authority to prescribe the behaviour and words of children who are not their patients. Therefore, schools should not operate a 'case by case' approach by socially-transitioning some children on the advice of a clinician. This approach would impact on the rights and safety of all children in the school.

## The Evidence

### The Cass Review

The Cass Review is the most detailed and comprehensive review of childhood gender services and approach to treatment of children who experience gender-related distress or confusion. Published in April 2024, it was the result of four years' research commissioned by NHS England<sup>8</sup>.

The Review is internationally recognised, and its findings have informed global policies in paediatric gender care, despite efforts by activists to discredit it.

The Cass Review found that the gender affirmative approach for treatment of children with gender dysphoria, including both medical and social transition, was based on poor quality

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<sup>7</sup> <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2825195>

<sup>8</sup> Cass, H. (2024). Independent Review of Gender Identity Services for Children and Young People. <https://cass.independent-review.uk/publications/final-report/>

evidence. The Review recommended a more cautious approach to childhood ‘transition.’

The Cass Review defined social transition as “*an active intervention*” that “*may have significant effects on the child or young person in terms of their psychological functioning and longer-term outcomes.*” The Cass Review found that “full social transition is the strongest predictor of persistence of cross-sex identity.”<sup>9</sup>

Although there is inadequate evidence of the benefits of social transition, the Cass Review found that children who were ‘affirmed’ and socially transitioned were more likely to progress to a medical pathway.

### **Why watchful waiting is the appropriate approach**

Schools should note that ‘watchful waiting’ and ‘gender affirmation’ are both clinical approaches. Teachers are not medically-trained and cannot be expected to follow clinical guidelines.

However, the principles behind the watchful waiting approach are the most appropriate to use in schools as they are developmentally-informed, allow children to grow up, and don’t conflict with other children’s rights or the safeguarding of all children.

It is important to note that there is no evidence to suggest that the watchful waiting approach caused harm or carried risks for children. Conversely, the gender affirmative approach risks cementing a child’s identity which may otherwise have naturally changed, leading to increased likelihood of irreversible outcomes the child may regret as they grow up.

Watchful waiting allows for exploration, identity development and change, treats children as children, involves parents and aligns with Jersey’s laws and policies on safeguarding children. This adult-led approach ensures age-appropriate protections and safeguarding of all children in school.

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<sup>9</sup> Cass, Hilary, Independent Review of Gender Identity Services for Children and Young People: Final Report (2024), p. 171, <https://cass.independent-review.uk/publications/final-report/>.

## 2. Trans-Identification at School: Best practice

### Principles and rationale

- Children should be left to explore identity without being either shamed or “affirmed” by adults in the school.
- A disclosure of “trans identity” by a child or adolescent may be an indication of a safeguarding concern, unlike “coming out” as gay, lesbian or bisexual.

### 2.1 Young children

Young children are still learning to distinguish between reality and fantasy. Before the age of around seven children do not yet understand that sex is a stable characteristic which remains the same even when appearance changes (for example if a boy wears a dress). Nor have they reached the developmental stage to understand sex constancy: i.e. that sex cannot be changed (if you are a girl you will grow up to be a woman, not a man).

Children with learning difficulties or neurodevelopmental conditions such as autism/ADHD will be later in reaching these developmental milestones.

A young child therefore cannot be considered “trans” as they lack an understanding of the reality of biological sex. Treating a child as the opposite sex is likely to cement the child’s belief, particularly when it is affirmed by adults in a position of authority who the child trusts.

A developmentally-informed way of treating such a child would be to recognise the child’s limits in understanding and provide a neutral environment where the child is neither shamed nor celebrated for their beliefs. An approach of support and understanding while not denying reality keeps a child’s options open as they grow and change.

A basis of reality is crucial to support children’s emotional and psychological development, including for children who express a cross-sex identity. Mind-body connection and an acceptance of reality is the basis for good mental health.

Schools can support such a child by flexibility in allowing the child’s free expression, in the toys they play with, and in the interests, activities and friends they choose. These things should not be dependent on the child being treated as belonging to the opposite-sex category.

The school needs to be aware that in the case of pre-pubertal children there may be underlying reasons why the child has adopted a cross-sex identity. It may be a normal, passing phase of childhood (one that is especially correlated with boys who end up being

gay as adults) or it may be indication of influence by adults (including parents and family members). In some cases, it may be a sign of previous trauma or sexual abuse.

The school has a duty to consider whether there may be a safeguarding concern in individual cases and not make a one-size-fits all assumption about any child.

*This neutral approach benefits the child who is free to develop while feeling accepted for their personality.*

## **2.2 Adolescents**

At the stage of adolescence, a child will be exploring and beginning to discover their sexual orientation. Adolescence is also a critical developmental stage of identity exploration which is fluid and changing and may not become stable until their mid-twenties or beyond.

Treating a child in adolescence as if their identity is fixed and helping to cement it through “social transition”, when otherwise it may naturally have changed as the child matures, will be harmful if it leads the child to medical changes to their body which cannot be reversed if their feelings change in the future.

Adolescents today pick up information online which may be misleading or false. Adolescents are not yet equipped to fully differentiate between personal beliefs and facts and evidence, especially when lobbyists and activists present their ideas as fact. Adolescents are also susceptible to taking on ‘social justice’ issues and are vulnerable to adult exploitation due to their idealism, naivety and lack of experience in life.

Social contagion is a recognised risk in peer groups and through immersion in online social media platforms which are all promoting one idea. Schools must not be environments where social contagion is encouraged through reinforcing ideas children may have picked up on TikTok.

Teenagers benefit from clear rules and expectations of behaviour and are old enough to recognise the need for clear sex-based policies in school, which can be explained to them if necessary. Teens may ‘affirm’ their friends if they choose, but should not be compelled to do so, and as with any other teen identity, teachers should not join in and follow the ‘rules’ of any one teenage group.

### **3. Whole School Approach to Safeguarding**

#### **3.1 Scientific and evidence-based teaching**

Education for children must be grounded in science and facts. This includes regarding biological sex. The concept of ‘gender identity’ is not based on facts or evidence and should not be taught as fact in schools. All approaches to children must be evidence-based.

Teaching gender identity as fact risks misleading children about observable biology, potentially causing confusion about their own bodies and boundaries, especially for vulnerable groups such as those with autism or trauma, who require careful, evidence-based support. Instead, schools should adopt approaches that prioritise factual understanding of sex differences, fostering body acceptance and resilience without promoting unverified beliefs about identity. This ensures all children are supported holistically, prioritising safeguarding of the mental and physical wellbeing of all children.

#### **3.2 Language and compelled speech**

Children should not be compelled to use wrong-sex pronouns for either their fellow pupils or adults, or language which is not based in evidence or reality. Expecting children to use wrong-sex pronouns in schools undermines safeguarding by eroding children’s trust in their teachers. Compelling children to use different pronouns compels the expression of belief in the contested idea of gender identity and undermines children’s perception of reality.

Using wrong-sex pronouns and language in schools makes it harder to recognize and maintain the clear, sex-based distinctions necessary for single-sex spaces such as toilets or changing rooms. This is likely to undermine girls’ confidence in setting personal boundaries or defending their right to privacy from the opposite sex in intimate situations.

#### **3.3 Terminology**

Teachers should not use the term ‘transgender’ to refer to children. Referring to a child as a ‘trans child’ or ‘transgender’ pre-supposes the outcome of the child’s belief or identity, which is likely to change as the child develops and matures in their understanding. The term ‘transgender’ is associated with the belief in an immutable ‘gender identity,’ a concept which has no basis in science.

Schools should not use the acronym LGBT which confuses two very different issues. Sexual orientation is an objective fact whereas ‘transgender’ is an identity with no basis in material reality and no objective meaning.

The term ‘coming out’ is established in the case of an adolescent who is revealing their emerging sexual orientation. It is not appropriate to use this term about a child who expresses a cross-sex identity. For safeguarding purposes, it is more appropriate to say that a child is ‘disclosing’ information about themselves, which may be a potential safeguarding concern.

### **3.4 Single-sex facilities**

The UK Supreme Court ruling (16 April 2025) ruled that the protected characteristic Sex in the UK Equality Act (2010) refers to biological sex, meaning that facilities designed for women and girls exclude all males. The Jersey and Guernsey Law Review (June 2025)<sup>10</sup> determined that this ruling should also apply to Jersey’s Discrimination Law (2013), thereby confirming that Jersey also must be ensuring that women and girls have single-sex facilities, including in schools.

Children have a right to single-sex facilities; this is vital for their safety, privacy and dignity. Toilets, changing rooms and residential accommodation must all be single-sex. Where a gender-questioning child feels uncomfortable, provisions such as a third space can be made available, but a child must not be accommodated in opposite-sex facilities as this presents a safeguarding risk and denies all children the right to privacy from the opposite sex.

### **3.5 Physical education and sport**

Girls have the same rights as boys to fair and safe sport. Pupils with male advantage should not be allowed to compete in the female category of sport. Allowing mixed-sex competitive sport disproportionately disadvantages girls and advantages boys. A school that allows boys to compete in the female category may be liable to legal challenge for indirect discrimination against girls.

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<sup>10</sup> Jersey and Guernsey Law Review, Miscellany – “Who is a Woman?” (June 2025).

## Appendix: Resources

### 1. Resources for School Leaders and Teachers

**Bayswater Support Group:** <https://www.bayswatersupport.org.uk/resources/>

Bayswater Support Group, a UK-based charity founded in 2019, provides confidential, non-affirmative support for parents and families of gender-questioning children and young people, emphasizing evidence-based, holistic approaches over gender ideology. The Bayswater Support Group provides schools and teachers with free, evidence-based resources, including the Safeguarding and Gender Distress Workshop, School Policy Toolkit, Bayswater Briefing newsletters, and Parent-Educator Collaboration Guide, all accessible via their website, to support a sex realist, non-affirmative approach to gender issues.

**MindEd Hub:** <https://www.minded.org.uk>

MindEd Hub is the free, accessible "Tips and Resources" portal of the broader MindEd programme, launched in 2013 as a collaborative NHS England, Department of Health and Social Care (DHSC), and Department for Education (DfE) initiative to address gaps in mental health training for non-specialists. MindEd Hub excels by offering neutral, evidence-led tools that frame gender-related issues through a safeguarding and mental health lens, emphasizing holistic exploration over affirmation.

**Safe Schools Alliance UK:** <https://safeschoolsallianceuk.net/resources-2/>

Safe Schools Alliance UK (SSA UK) is a volunteer-led advocacy group founded in 2019. SSA UK offers free, downloadable resources and toolkits to empower schools, teachers, school leaders, and governors in protecting children from gender identity ideology while ensuring compliance with safeguarding laws. Key offerings include Factsheets and Letter Templates; RSE/PSHE Toolkits (guidance for creating balanced curricula); School Policy Checklists; and Campaign Resources. They also host webinars and virtual meetings for educators on safeguarding gender-distressed pupils without affirmation. All are freely accessible via their website.

**Sex Matters:** <https://sex-matters.org/posts/category/publications/for-parents-and-teachers/>

Sex Matters, a UK-based advocacy organization founded in 2018, offers free downloadable resources and guidance specifically tailored for schools, teachers, school leaders, and governors to promote a sex-realist approach that upholds biological sex as the basis for

rights and safeguarding, rejecting gender identity ideology as a basis for policy. Key resources include the Advice for Parents, Teachers, Headteachers and Other Education Professionals (a comprehensive guide on navigating gender issues in schools, including safeguarding gender-distressed pupils without affirmation); Sex and Gender in Schools: What Parents Can Do (a PDF toolkit with actionable steps for parents and educators to challenge ideological materials, ensure sex-based protections, and comply with KCSIE.

**Transgender Trend:** <https://www.transgendertrend.com/schools-resources/>

Transgender Trend offers a range of free downloadable PDF resources (with optional printed copies available for purchase) specifically designed for schools. These include comprehensive guides like the Schools Guide, which equips educators with factual tools for handling gender-related issues in line with the Cass Review; Inclusive Relationships and Sex Education in Schools (RSE), and Safeguarding Booklet, among others. These resources are uniformly useful for schools by promoting a safeguarding-first, evidence-led approach to gender issues, enabling teachers, leaders, and governors to create inclusive environments without endorsing gender identity ideology. Developed with input from safeguarding experts, lawyers, and educators.

## 2. Resources for Parents

In addition to the above resources, there is a growing body of resources focussed on the specific needs of parents of gender-questioning which align with a “watchful waiting” approach and offer information, support, and advice. The following can be shared with parents by schools.

### **Therapeutic support:**

**Beyond Trans** (<https://beyondtrans.org/support-for-parents/>) : Beyond Trans is a support group run by Genspect, an international organization advocating evidence-based, non-affirmative approaches to gender dysphoria. Beyond Trans is a support group offering free, peer-led online meetings for parents navigating their child's gender dysphoria.

**Just Therapy** (<http://just-therapy.org>): Offering non-affirmative, exploratory therapy for gender-questioning youth, focusing on underlying issues without endorsing transitions.

**Thoughtful Therapists** (<https://www.thoughtfultherapists.org/>): Directory of exploratory therapists rejecting affirmation.

**Therapy First** (<https://www.therapyfirst.org/>): A network of mental health professionals who practice ethical and developmentally appropriate therapy with clients who are experiencing distress regarding gender or biological sex.

**Support groups, networks, and resources:**

**Bayswater Support Group** <https://www.bayswatersupport.org.uk/>

UK-based parent coaching and non-affirmative guidance for gender-distressed youth.

**Genspect:** <https://genspect.org/>

Genspect is an international network for non-affirmative family support and therapy resources.

**Parents with Inconvenient Truths about Trans (PITT):** [pitt.substack.com](http://pitt.substack.com)

Parent testimonies, support network, and Substack community.

**Safe Schools Alliance UK:** <https://safeschoolsallianceuk.net/> Safe Schools Alliance UK (SSA UK) is a volunteer-led advocacy group offering free resources and toolkits to empower schools, teachers, school leaders, and governors in protecting children from gender identity ideology.

**Sex Matters:** <https://sex-matters.org/resources/>

Provides parents with free, evidence-based guides and toolkits to challenge gender ideology in schools and support gender-questioning children non-affirmatively, emphasizing parental authority and safeguarding.

**Society for Evidence-Based Gender Medicine (SEGM)** <https://segm.org/>

A nonprofit advocating evidence-based, ethical care for gender-dysphoric youth, supporting psychotherapy over medical interventions.

**Transgender Trend:** <https://www.transgendertrend.com/resources-for-parents/>

Offers parents free, evidence-based resources, including guides, templates, and books to navigate gender dysphoria with a non-affirmative, safeguarding-focused approach, promoting watchful waiting and parental involvement (

**Women's Rights Network Jersey** <https://www.facebook.com/WRNJersey>

A grassroots volunteer group of women in Jersey who share a common concern for protecting women's rights and safeguarding children against the harms of gender identity ideology. WRN Jersey undertakes campaigns around the schools and other government guidance, advocates with politicians, holds public events with renowned speakers with a goal of promoting change.

### 3. Books

#### **Books for adults and adolescents:**

The Gender Framework: A Comprehensive, Evidence-Based Guide for Professionals and Families (2025)

Edited by Stella O'Malley (Genspect)

A practical handbook launched at Genspect's Bigger Picture Conference in Albuquerque (September 2025), providing professionals and parents with clear, non-affirmative strategies for supporting gender-distressed youth, emphasizing exploratory therapy, co-morbidity assessments and policy tools to counter affirmation while aligning with ethical, evidence-led care.

When Kids Say They're Trans: A Guide for Parents (2023)

Authors: Sasha Ayad, Lisa Marchiano and Stella O'Malley

A compassionate guide for parents facing a child's gender questioning, advocating non-affirmative, exploratory therapy to address underlying issues like mental health or social pressures, empowering families to trust instincts over hasty transitions.

Parents with Inconvenient Truths about Trans: Tales from the Home Front in the Fight to Save Our Kids (2023)

Edited by: Josie A., Dina S. and Florence M.

A collection of over 160 parent essays on the emotional toll of gender ideology, highlighting desistance stories, social contagion, and the need for parental advocacy against medicalization, with practical advice for navigating schools and clinics.

Irreversible Damage: The Transgender Craze Seducing Our Daughters (2020)

Author: Abigail Shrier

Examines the rapid rise of transgender identification among teen girls as social contagion, critiquing affirmation's risks and urging parents to explore root causes like anxiety or peer influence before irreversible steps.

Gender Dysphoria: Psychoanalytic Theory and Clinical Practice (2018)

Authors: Susan Evans and Jane Freedman

A psychoanalytic exploration of gender dysphoria in youth, advocating therapy to uncover underlying psychological factors like trauma or family dynamics rather than affirming transitions, with case studies for clinicians and parents.

Time to Think: The Inside Story of the Collapse of the Tavistock's Gender Service for Children (2023)

Author: Hannah Barnes

An investigative account of the UK's Tavistock clinic's failures in treating gender-distressed youth, revealing rushed affirmations, weak evidence, and whistleblower concerns,

essential for understanding systemic risks to children.

Trans: When Ideology Meets Reality (2021)

Author: Helen Joyce

A rigorous analysis of gender ideology's societal impacts, including on youth, arguing for sex-based rights and caution in children's care, with data on desistance and critiques of affirmation's philosophical flaws.

Transgender Children and Young People: Born in Your Own Body (2017)

Author: Heather Brunskell-Evans

Critiques the medicalization of gender-nonconforming children, advocating recognition of innate bodies and exploration of social/psychological causes over transition, with interviews highlighting parental and child perspectives.

Detrans: When Transition is Not the Solution (2023)

Author: Dr. Az Hakeem

Draws on clinical experience to explore detransition stories, emphasizing psychotherapy over affirmation for gender distress, and giving voice to those regretting transitions while addressing co-morbidities like autism.

Transgender Body Politics (2020)

Author: Heather Brunskell-Evans

Examines the transgender rights movement, arguing it challenges women's and children's sex-based rights through medical and institutional practices.

**Books for tweens/teens:**

Sex and Gender: An Introductory Guide (2021)

Author: Phoebe Rose

This engaging book will help young people explore questions about sex, gender, sexual orientation and gender stereotypes in an age-appropriate way. This wonderful guide provides a vital opportunity for young people to have positive, healthy discussions that promote true body positivity and embrace diversity.

**Books for young children:**

My Body Is Me! (2015)

Author: Rachel Rooney

An upbeat rhyming picture book celebrating the human body's capabilities and differences, countering "born in the wrong body" narratives by promoting innate body acceptance and challenging sex stereotypes, especially for neurodiverse children.

[The Story of Ruby and the Boy Who Saved Her \(2023\)](#)

Author: Sarah Martin

A rhyming tale celebrating a girl's love for "boyish" activities, affirming her biological femininity and challenging stereotypes that might lead to gender confusion, encouraging self-acceptance without identity change.

[I Am Still a Girl! Whimsical Poetry About Serious Girlology \(2025\)](#)

Author: Alice Engel

Whimsical poems affirming that biological girls remain girls regardless of interests, hairstyles, or clothes, using facts like chromosomes to celebrate diversity within girlhood without gender fluidity, building self-esteem against ideological pressures.

[Granny's Flag \(2025\)](#)

Author: Rachel Rooney

This rhyming picture book introduces young readers to the historic purple, white, and green flag symbolizing women's suffrage and the fight for equality for women and girls. Through the story of a grandmother sharing the flag's significance and uses with her granddaughter during a visit, the book celebrates brave women's activism while inspiring the next generation to envision a better world.

**Appendix 2**

**Trans Inclusion Guidance (Non-statutory guidance for CYPES including schools and educational settings in Jersey)**



## Trans Inclusion Guidance (Non-statutory guidance for CYPES including schools and educational settings in Jersey)

<b>Document Purpose</b>	Promoting equity to all pupils across all Government of Jersey schools and colleges.
<b>Author</b>	Service Manager for Vulnerable Children / Virtual School Headteacher
<b>Publication Date</b>	17 March 2025
<b>Target Audience</b>	All CYPES staff and departments including Government of Jersey Schools; grant funded schools; and non-provided schools
<b>Circulation List</b>	All CYPES staff and departments
<b>Description</b>	<p>This guidance supports all CYPES staff within our settings that provide education, care or support for children and young people to ensure that they feel safe.</p> <p>This guidance is to be read in conjunction with the Equality in Education Policy to ensure proper understanding and compliance. This guidance serves to expand on the policies' key points, offering practical guidance.</p> <p>All medical decisions about transitioning are made outside of school and are excluded from this guidance.</p>
<b>Linked Policies, Laws &amp; Guidance</b>	<p><a href="#">Equalities in Education Policy</a></p> <p><a href="#">Keeping Children Safe in Education (KCSIE)</a></p> <p><a href="#">The UNCRC</a></p> <p><a href="#">Jersey and the UNCRC (gov.je)</a></p> <p><a href="#">Jersey's Children First Practice Framework</a></p> <p><a href="#">Discrimination (Jersey) Law 2013</a></p> <p><a href="#">Human Rights (Jersey) Law 2000</a></p> <p><a href="#">Data Protection (Jersey) Law 2018</a></p> <p><a href="#">Gender Recognition (Jersey) Law 2010</a></p> <p><a href="#">Children and Young People Jersey Law 2022</a></p>

	<a href="#">Statutory Guidance</a> <a href="#">Jersey Inclusive Education Principles</a>
<b>Approval Route</b>	CYPES Executive Leadership Team CYPES Ministerial Team
<b>Review Date</b>	March 2027
<b>Contact Details</b>	Associate Director of Education

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## 1. Overview

Everyone deserves to be valued and treated with respect. Jersey schools are diverse communities that reflect our wider society and are places where children and young people learn about valuing and respecting themselves and others. Our schools and educational settings have a responsibility to ensure that all children and young people in their care are safe and feel safe. Children and young people who are [trans\\*](#), gender questioning or gender diverse are a small group within a school community (approximately 0.2% (*Source: Jersey census 2021*)), but they are potentially a vulnerable one. The glossary at the end of this guidance explains the different labels that are referred to with transgender.

In formulating this guidance, CYPES have due regard to the need to eliminate discrimination, adopt good relations and promote equality of opportunity between all protected characteristics, in accordance with the [Discrimination \(Jersey\) Law 2013](#) and [Human Rights \(Jersey\) Law 2000](#). We want all our pupils in our schools and educational settings to thrive in their education journey.

The focus of this guidance is to provide practical advice, it is not intended to be prescriptive or exhaustive. All CYPES staff must continue to take decisions that they consider are in the best interests of all children and young people and staff to ensure that everyone is kept safe and treated with respect and understanding, within an environment that promotes equality and protects the rights of all. All medical decisions about transition are made outside of schools and educational settings are excluded from this guidance.

CYPES understands that social and political contexts and landscapes change over time. Dr Hilary Cass stated in her [Independent Review](#) of gender identity services for children and young people within the NHS: *“Polarisation and stifling of debate do nothing to help the young people caught in the middle of a stormy social discourse.”* She also recognised that even after her review, there is still uncertainty. Therefore, we remain open to learning from schools, educational settings, different communities, new research, new case law, and best practice and use this to continually review our own practice to ensure it remains relevant and up to date. This guidance will therefore remain subject to future review, with the wellbeing of children and young people at the forefront.

In making decisions, schools and educational settings must comply with their legal obligations, including those under the Discrimination (Jersey) Law 2013, [Discrimination \(Jersey\) Law 2013 \(jerseylaw.je\)](#) Human Rights (Jersey) Law 2000 [Human Rights \(Jersey\) Law 2000 \(jerseylaw.je\)](#), Data Protection (Jersey) Law 2018 [Data Protection \(Jersey\) Law 2018 \(jerseylaw.je\)](#), [Keeping Children Safe in Education \(KCSIE\)](#), The United Nations Convention on the Rights of the Child (UNCRC) and [Jersey and the UNCRC \(gov.je\)](#).

## 2. Scope

This guidance applies to all staff within CYPES settings including schools, residential care homes, youth service and other educational settings and is therefore aimed at:

## 3. Responsibilities and distribution

### Senior Leadership Teams

Senior Leadership Teams should share this guidance with their staff members and any

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\*Please refer to the [Glossary](#)

relevant parties that come into contact with children and young people within CYPES settings.

In addition, they should:

- Identify and meet with designated members of staff for diversity, equality and inclusion to discuss any issues and how these are being addressed across all aspects of our education provision.
- Ensure staff are familiar with all relevant legislation and the contents of this document.
- Attend appropriate equality and diversity training.

#### **All CYPES staff**

Everyone is responsible for:

- Actively promoting equality of opportunity in all areas.
- Ensuring that staff, children and young people know their rights, and respect the rights of others.
- Aiming to ensure that prejudice or discrimination in all its forms is actively rejected.
- Raising awareness of equality issues for all members of the community.
- Establishing strategies to ensure equitable access to the provision of education and enable each individual to fulfil their potential regardless of their personal characteristics.
- Keeping up to date with legislation, development and issues by attending relevant training and accessing information from appropriate sources.
- Sharing best practice within the school and educational settings community.

## **4. Policy/standards**

This guidance is written in line with the UNCRC particularly supporting the underlying principles of articles 2, 3, 6, 8, 12, 16, 17 & 28. In addition to this, articles 28 and 29 are prevalent in supporting all children in their education in respect to their talents and abilities. Articles 12 and 13 are of particular note for this guidance with the voice of the child needing to be central to decisions that are made in conjunction with Articles 24 and 27, for a child to have their medical, physical and mental health needs met.

CYPES is committed to support children's rights in all schools and settings across Jersey. A link to the UNCRC can be found here [Jersey and the UNCRC \(gov.je\)](#).

The guidance in line with the [Jersey's Children First](#) practice framework sets out how agencies should work together to ensure children, young people and their families can access the right help at the right time from the right services. At the heart of Jersey's Children First is a commitment to early intervention and prevention for children which, when a multi-agency approach is needed, is coordinated around children and families with a single integrated wellbeing plan.

The guidance additionally adheres to the 7 principles agreed in [Building an Inclusive Education and Early Years system in Jersey \(gov.je\)](#).

## 5. Principles

### Underlying principles and messages

Educational settings should develop effective equality and anti-bullying policies and practices across all protected characteristics of the [Discrimination \(Jersey\) Law 2013 \(jerseylaw.je\)](#) and in line with the values and ethos of the setting. In doing so, educational settings should be mindful of the following:

- Representation of diversity in education settings is an opportunity to learn and prepares children and young people for life
- The prevention of gender stereotyping, sexism, homophobia and biphobia is central to reducing and preventing transphobia
- Transphobia and bullying can contribute to poor mental health outcomes for children and young people
- Non-conformity to gender stereotypes or support for a gender exploring child does not mean that a child or young person is trans\* or will take steps to transition their gender.
- Identities are developing throughout childhood and adolescence and into adulthood, and some children and young people may explore and express their gender identity in different ways. This can start from a young age and may change over time.
- Children and young people have a right to explore their identities, be accepted and change their minds.
- Schools and educational settings should adopt a 'watch and wait policy, which does not place any pressure on children to live or behave in accordance with their [sex registered at birth] or to move rapidly to social transitioning'.
- Support for individual children and young people who are trans\* should be provided on a case-by-case basis in discussion with them, their family (unless safeguarding considerations prevent this) and professionals around them.

The [Discrimination \(Jersey\) Law 2013](#) defines the protected characteristic of Gender Reassignment as:

Schedule 1 [\[28\]](#) (Article 3) protected characteristics

5 Gender reassignment

(1) Gender reassignment is a protected characteristic.

(2) A person has the protected characteristic if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's gender by changing the person's physiological or other attributes that are associated with a particular gender.

(3) A person who has the protected characteristic is known as a transgender person and persons who share the characteristic are known as transgender people.

(4) A person is a transgender person whether or not the person has or intends to have any medical intervention in order to change any attributes that are associated with

a particular gender.

In line with this, children and young people who meet the criteria, as laid out in the Law, may access facilities in line with their gender identity should they wish to.

- Staff may need support in developing an understanding of trans\*
- Children, young people and their families should be signposted to any additional available support they may need.
- Decisions about medical transition are made outside of education settings and under the care of the Child and Adolescent Mental Health Service (CAMHS) in Jersey.

## **6. Definitions**

### **Language and terminology**

The language used in this area has evolved over recent years and people use different terms to describe themselves. In this guidance we have tried to use language and terms that provide clarity, avoid colloquialisms, and capture the range of children and young people's experiences, from questioning their gender through to gender distress or dysphoria. Under Jersey law, children and young people cannot obtain a Gender Recognition Certificate and therefore cannot change their legal sex, [Gender Recognition \(Jersey\) Law 2010 \(jerseylaw.je\)](http://jerseylaw.je).

For the purposes of this guidance, the terms "child" and "children" refer to anyone under the age of 18. Where there are different requirements for schools and educational settings, the guidance refers to children at school and educational settings as pupils.

In institutions serving post-16 children, pupils under the age of 18 might share classes with those over the age of 18 (adults). The considerations for educational settings will generally be the same for these individuals as they are for pupils under the age of 18. The term "parents" refers to any adult with parental or caring responsibilities for a child.

It is important to remember that language is subject to change over time, which allows individuals to self-describe. Children and young people will explore their identity and gender expression in ways that will not necessarily mean they are trans\*. Gender identity and sexual orientation describe different things and may be explored by children and young people in conjunction or at separate times during their development.

### **Safeguarding transgender, non-binary, gender non-conforming and gender questioning young people**

This document acknowledges two statements:

- that transgender, non-binary, gender non-conforming and gender questioning (trans\*) individuals exist; and,
- that all children and young people have a right to safety, security and belonging.

Some trans\* individuals have a medical condition called gender dysphoria.

Gender dysphoria is diagnosed using a number of clinical markers. The most significant being that the individual experiences distress, to a lesser or greater extent depending on the individual, at the incongruence between their individual gender identity and the sex marker assigned to them at birth by a doctor based on the observation of biological features.

Gender dysphoria is treatable through a process called transitioning, which may or may not involve social, medical and/or surgical interventions. Ideally, this is done under the care of a

gender therapist, who is certified and clinically supervised in this specialist medical discipline. However, this is not always possible due to a lack of healthcare provision in the UK and not currently available in Jersey

Transitioning is not simple or easy. It takes many years and there are long waiting times to see a gender therapist, especially for children and young people.

In Jersey, trans\* children and young people experiencing low mood and anxiety should be referred to CAMHS to access support for their emotional wellbeing and mental health until they can be referred to a specialist Gender Identity Development Service in the NHS UK. Currently, this referral process takes an average of 5 years, by which time most young people to whom this applies will be adults and engaged in the adult pathway to care. There is no means for under 18s to see a gender therapist and to transition privately in the UK.

Without the specialist care they need readily available, some trans\* young people may seek to self-medicate using unregulated providers on the Internet. Self-medicating is highly risky, and schools and educational settings should never support a child to purchase medication on the Internet. This should always be advised against.

In this climate where healthcare provision is poor, it is vital for trans\* young people that schools are places where they can thrive, feel safe and exist in an authentic way in order to support their learning and development. Allowing a trans\* pupil to socially transition, i.e. changing clothing, names, pronouns, etc. is a means to enable them to explore their gender identity safely.

An increase in the information available regarding different gender identities, particularly online, means that children and young people have greater access to language pertaining to gender identity, and therefore may identify a gender-difference earlier in life than previous generations.

However, globally, the trans\* community still accounts for around 1% of the population. As a minority, those individuals are more frequently the target of bullying, harassment and violence, which leads to an increased likelihood of negative mental health outcomes.

Schools and educational settings have a duty not to increase the likelihood of bullying, harassment and violence against any pupil. For minority groups, this means actively supporting that minority with positive messaging that reinforces an inclusive, whole-school approach in line with Jersey and the [UNCRC](#).

Positive messaging is not the same as actively encouraging pupils to identify as trans\*. This is an important distinction for schools and educational settings to make. For example, commemorating Transgender Day of Remembrance with an assembly presentation shows support for pupils who are trans\*. Using techniques, such as conversion therapy, to change a pupil's gender from the one with which they identify is unsafe and unacceptable.

In recent years, there has been an increase in the rhetoric surrounding gender identities that do not correspond to the sex assigned at birth of an individual. Much of this rhetoric is divisive, political and fuelled by both social media and the mainstream media. This has led to an increase in hate crimes against trans\* people source: [Human Rights and Gender Identity and Expression, Issue Paper by the Council of Europe Commissioner for Human Rights](#).

Parents, carers, pupils, and CYPES staff may be aware of the arguments and may take a personal position in relation to gender identity. However, when working with children and young people, personal, religious and/or philosophical beliefs must be set aside in the workplace in compliance with Jersey anti-discrimination legislation.

[The Discrimination \(Jersey\) Law 2013](#) prohibits discrimination on the basis of gender reassignment. Schools and educational settings have a duty under the Law not to discriminate on the grounds of gender reassignment, which means support must be provided to trans\* pupils as it would be to any other pupil. It is, therefore, important that schools understand how best to support trans\* pupils.

With an increase in the information available to children and young people from the Internet - some of which is inaccurate and dangerous, an increase in bullying, harassment and violence against trans\* people, and a lack of access to specialist medical care for trans\* people, schools and educational settings can often find themselves placed in the position of supporting a young trans\* person with little or no expertise to do so. They may also be the only source of support in that young person's life.

This document is designed to state clearly for all staff how they safeguard the young people in their care who are trans\*. In this regard, it reflects the position of the CYPES, which is to safeguard all young people in their care in line with [Keeping Children Safe in Education \(KCSIE\)](#).

This guidance provides information for schools on how to support the trans\* children and young people under their care, treating each individual on a case-by-case basis and, wherever possible, with support of family, peers and wider networks. It has been compiled using current recommended guidance and best practice for supporting trans\* young people.

It is not guidance for parents/carers or other agencies who may be involved in a child or young person's welfare. Schools and educational settings have no duty to support these groups' interests. It is also not guidance for schools and educational settings supporting children or young people who are not trans\*. Other guidance should be consulted when supporting these pupils.

## **7. Whole school / setting approach**

Many Jersey schools and educational settings are already working to ensure that the school environment and curriculum celebrates similarity, difference and diversity such that all children and young people see themselves and their families represented and valued. This guidance provides information on how to ensure trans\* members of the community feel equally welcomed, represented and safe. Educational settings are skilled in supporting vulnerable pupils and this practice can be used to inform support provided to children and young people who are trans\*.

If a whole school / setting approach is taken, then harmful bullying and harassment of pupils and staff who are trans\* in the school community will be prevented or minimised, and all pupils prepared for life in the modern world.

It is important to recognise that many schools and educational settings already have good practice that promotes diversity and equality and supports the needs of children and young people.

The curriculum, including PSHE, can be used to develop understanding of diverse family structures, sexual orientation, gender stereotyping and gender identity to prevent sexism, homophobia, biphobia and transphobia.

## **8. Role of Trustees / Governors**

It is the responsibility of the Head teacher to share this guidance with the Trustees or

Governors of Jersey schools to those where applicable. This is to ensure that the Trustees/Governors have an awareness of their responsibilities for safeguarding the pupils of the school. It is recommended that a named Governor/Trustee have oversight of the policy at board level.

## **9. Staff training**

All staff need to be provided with information and training which develops trans\* awareness and confidence in terminology and vocabulary, e.g. correct use of pronouns and names, and in challenging gender stereotypes, sexism, homophobia, biphobia and transphobia. Staff working with individual children and young people who are trans\* should undertake additional, specialist training to provide pastoral support.

PSHE teachers will need support in delivering trans\* awareness sessions and managing discussion. It is recommended that training is provided every two years to take into account staff changes. School staff training is available from Liberate Jersey and there are online UK-based providers. [See useful resources and training section.](#)

## **10. Parent and carer community**

It is hoped that schools and education settings will have positive relationships with all groups of parents and carers and will be using a range of methods to break down any barriers to enable open and transparent conversations about equality practice. All parents and carers should feel that their child and family is represented within the setting.

Schools and educational settings may want to communicate the work they are doing to support trans\* inclusion to parents and carers in the context of other equality work. For example, when explaining work for LGBT+ History Month, or informing parents or carers of a visit from Youth Project, services may want to use language such as: 'As part of our work to promote our school value of respect we are...'; or: 'As part of our ongoing commitment to improving equality and prevent bullying we are...'.

Schools and educational settings may also want to signpost from their website (see examples of useful links at the end of this guidance) to where parents and carers can go to find out more about trans\*, as parents and carers often report that their children are more aware of these issues than they are. Settings may find they are approached by parents and carers about their trans\* inclusive practices. Schools and educational settings can listen openly and respectfully to any questions or concerns, provide information that does not break confidentiality of individuals and offer the following kinds of reassurance:

- The school acknowledges that there is a diversity of views about trans\* inclusion and commit to listening respectfully to concerns
- The school is working within local authority guidance and the Equality Act to prevent and respond to all forms of bullying and prejudice to ensure all children and young people feel safe to learn
- The school is preparing children and young people for life in a modern world where they are going to meet, interact with and work alongside a diverse range of people
- The school is working to develop its equality practice across all protected groups and efforts are being made to ensure all groups feel safe, represented and included. Any complaints made will follow a school complaints policy. Educational settings can contact CYPES about concerns raised by members of the school community.

## **11. Transphobic and sexual bullying and harassment**

Educational settings may also want to be mindful about how so-called 'banter' or jokes are used in peer groups and can cause harm.

All Jersey schools and educational settings use MyConcern for recording safeguarding incidents/events.

Educational settings should ensure that they identify, record, respond to and monitor all forms of bullying and prejudice using MyConcern. Other schools and educational settings should use their equivalent recording system. For more information on this please refer to the [Keeping Children Safe in Education policy](#) using the Record Keeping and storing information section. Recording of incidents means that the wellbeing of individual pupils involved can be tracked, as can behaviours. This data, along with data from school surveys, can also be used to target preventative interventions and measure the impact of activities.

Children and young people who are trans\* are vulnerable to bullying, as is any child or young person who does not conform to gender norms, and stereotypes. Additionally, children and young people with trans\* family members may also be transphobically bullied. Transphobic bullying therefore may be perpetrated by pupils, parents, carers or staff members and directed at:

- Children, young people and adults who do not conform to gender stereotypes or are perceived to be trans\*
- Children and young people and adults who are trans\* inside and outside the school community
- Children and young people with trans\* siblings, parents, relatives or friends
- Children, young people and adults who identify with an orientation other than heterosexual.

[Keeping Children Safe in Education policy](#) has a strong emphasis on preventing and responding to peer-on-peer abuse and recognises the gendered nature of some forms of abuse in schools and educational settings.

Identifying the nature of any bullying will assist the school to understand and address any trends in the school community. Sexist, sexual or transphobic bullying are not the same as homophobic (including biphobic) bullying. However, sexist attitudes often manifest themselves in homophobic bullying, as any child or young person who is perceived as not expressing stereotypically masculine or feminine traits expected of them, might experience homophobic or transphobic bullying.

Staff will need to use their professional judgement as to whether some incidents should be recorded as homophobic or transphobic but take care not to under-record transphobia.

Transphobic bullying may also occur in conjunction with other forms of bullying, including that related to special educational needs and disabilities or cyberbullying. Children and young people who are trans\* can be particularly targeted with behaviours such as 'skirt lifting', 'groping' or being asked inappropriate, personal questions. Again, educational settings should be vigilant in preventing and responding to all forms of sexual harassment and bullying.

If a transphobic incident occurs in a group situation and the member of staff dealing with it is aware that the child or young person is trans\* but they are not 'out' to the rest of the community the member of staff must challenge the prejudice, but may need to take care not to label the incident as transphobic in front of other pupils and then as a result 'out' the person being targeted. The incident would still be recorded as a transphobic incident. More information on coming out is in section 14.3.

There may be occasions where transphobic bullying has wider safeguarding implications, or

involve criminal behaviours, and in these cases educational settings need to engage the appropriate safeguarding agencies and/or the police.

## **12. Managing specific issues for trans\* people**

Access and safety for all: The Equality Act promotes access to facilities, the curriculum and extracurricular opportunities for all children and young people. Educational settings should ensure that the welfare of trans\* pupils is included in exactly the same way.

Educational settings will come across children and young people who are at various stages of exploring their identities or socially transitioning. This includes, but isn't limited to, those who are just coming out as trans\*, those who have come out as non-binary, those who have socially transitioned either partly or fully and those who are exploring their gender identity with no fixed pathway. Therefore, the information which follows will be relevant to some children and young people and not others. Educational settings should consider the guidance below and apply on an individual, case-by-case basis and seek advice if needed from CYPES and other providers listed in section 37, useful resources and training.

As part of ongoing work to ensure safe learning environments, educational settings should carry out a range of activities that ensure respectful behaviour by all pupils in all areas of the school building, including toilets and changing rooms. This will include, as part of a settings' ongoing anti-bullying work, encouragement to all pupils to report any areas of the building where they feel unsafe. Any child or young person acting inappropriately in toilets or changing rooms should be challenged or sanctioned in line with the school's behaviour policy.

## **13. Single-sex space**

The guidance is not promoting the removal of single sex spaces but encourages a mixed model of provision, where possible. Staff are best placed to evaluate how to balance any competing sensitivities whilst actively supporting the welfare of all pupils.

It is recommended that schools carry out equality impact assessments when making changes to provision with the purpose of reducing or preventing any potential negative impacts of changes.

## **14. Toilets**

Separate toilet facilities for boys and girls aged 8 years or over must be provided as well as a gender-neutral option, except where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time.

The use of toilet facilities by children and young people who are trans\* should be assessed on a case-by-case basis in discussion with the individual child or young person. CYPES recommends that in making that assessment, schools and educational settings should consider the fact that for some trans\* children, accessing the toilet which corresponds to their gender identity can be extremely important. There are health risks such as urinary infections for children unable to access toilets during the school day. CYPES therefore encourage schools and educational settings to enable this wherever possible if asked for.

Anecdotal feedback from children and young people who are trans\* is that many will opt for a gender-neutral toilet for fear of bullying or harassment, rather than a large multi-occupancy single sex facility.

Ideally, where funding and space allows; educational settings should provide pupils with access

to a mixture of toilets including:

- single sex toilets
- gender-neutral single occupancy toilets
- blocks of floor to ceiling cubicle toilets that can be used by all, with bins for menstrual products in each cubicle ('toilets for everyone')
- accessible toilets.

## **15. Changing rooms**

Suitable changing accommodation and showers must be provided for pupils aged 11 years or over at the start of the academic year who receive physical education.

The use of changing rooms by children and young people who are trans\* should be assessed on a case-by-case basis in discussion with the individual child or young person. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring safety and comfort.

CYPES recommends that in making an assessment schools should consider that for children and young people who are trans\* this is an important issue and should be discussed with the child and family as to what is going to work for them safely. It is therefore encouraged that schools should enable this discussion and ensure that a gender-neutral area is provided.

Any pupil who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as a gender-neutral changing area/room, the use of a private area, or with a separate time to change. Any alternative arrangement should be provided in a way that protects the child or young person's ability to keep their status as trans\* confidential.

## **16. Physical Education and Sport**

Schools and educational settings should provide equal sporting opportunities. Schools and educational settings should aim to ensure all children and young people participate in sport safely and should encourage maximum participation. Physical activity participation by girls drops in the teenage years (source: [World Health Organisation](#)) and children and young people who experience gender incongruence and/or dysphoria tend to avoid sport with its emphasis on the body – it is important that schools and settings are mindful of any actions that might exacerbate these two scenarios further.

Schools and educational settings should try to minimise segregation wherever possible during physical education. If segregation is a requirement, then the child should be allowed to choose which group they wish to join.

Staff should be aware of any perceived competitive advantage or differences in size of a trans\* (or any other) child when undertaking a range of physical education activities. Thought should be given to the structure of lessons and learning appropriately differentiated to overcome this. Staff should always involve the child and, if appropriate, the parents or carers in making decisions about how best to deliver physical education for the benefit of the child.

Trans\* children and young people should be permitted to participate in competitions and sports days in a manner that corresponds to their gender identity. At pre-puberty it is unlikely there

would be any issues with a trans\* child competing and representing the school. At secondary level, staff may need to use their discretion in consultation with the trans\* pupils when a trans\* pupil is to compete in a gender-segregated competitive event. Consideration should be given to whether exclusion of the trans\* pupil from the sporting event will be detrimental to the trans\* pupil's development whilst not making a significant difference to the outcome of the sporting fixture.

For a certain level of competition, school staff may wish to contact sporting bodies concerning the participation of a trans\* child in a gender-segregated event. When excluding a trans\* pupil, care should be taken not to discriminate against them.

The Discrimination (Jersey) Law 2013 permits discrimination against transgender people participating in gender-affected activity as their recognised gender only if it is necessary to secure:

- Fair competition; or
- The safety of competitors.

For away fixtures, staff should liaise with their counterparts to arrange appropriate changing facilities for a trans\* pupil in order that this is managed in a sensitive way.

## **17. Residential trips**

CYPES recommends, that as far as possible, trans\* children and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity.

In allocating sleeping arrangements such as dormitories, tents or shared rooms for school trips, each child's sex is relevant. Schools and educational settings must meet their safeguarding obligations set out in [Keeping Children Safe in Education policy](#)

However, discussion should be had with the child or young person who is trans\* and their parents (if there are no safety concerns that may lead from informing parents of their child's status) prior to residential trips to firstly identify what the pupil wants and needs, and how this can be accommodated in discussion with appropriate others including relevant friendship groups in a way in which confidentiality is protected. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of the pupil.

Some pupils who are trans\* may choose to use different kinds of undergarments to support them in feeling comfortable in their gender identity. Therefore, privacy on residential trips and in changing rooms will be of key importance to them.

Prior to residential trips, educational settings will want to make clear their expectations to all children and young people about how they support and treat each other.

When planning off-island trips, schools should consider and investigate the laws regarding LGBTQ+ communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their [website](#) about countries where LGBTQ+ individuals may be at risk. In addition, legal documentation such as the child or young person's passport may not have been changed to the name and/or gender they are using. This will need to be handled sensitively by the leaders of the trip.

## **18. Concerns that children or young people who are trans\* might have at school**

- How to tell people

- Who to tell or trust
- People will be judgmental
- Anxiety when in public areas around 'what people will think'
- People using their old name and the wrong pronouns
- Not being allowed to use their chosen name or recognised gender
- Being misgendered
- Using toilets and changing rooms, where no gender-neutral ones are available
- Attending a single sex school with no uniform matching their gender identity
- Disparity between their appearance and their voice
- Being bullied by pupils and/or teachers
- Not having someone in school to talk to as teachers don't understand the issues
- No resources, books, leaflets etc.
- The speed and quality of healthcare services that might support them being available in Jersey
- Social events or lessons where pupils are acting out hyper-masculine or hyper-feminine roles, e.g. school prom, drama class, sports teams.

### **19. Changes that could be made to support children in school**

- Education and training for staff
- Understanding of issues by staff
- Toilets and changing facilities available that are gender-neutral or unisex
- Flexible interpretation of uniform regulations
- Having an identified, trained person to talk to in the school
- Workshops in PSHE / SRE lessons so pupils understand
- Science lessons to include gender more broadly

### **20. Developing a Whole School Approach**

A whole school approach is required to support pupils, their families, staff and other pupils. Jersey schools by their very nature are inclusive places and this should be built upon to develop:

- A culture which celebrates diversity and where all children, irrespective of their characteristics, are valued
- Systems and support services are in place to support vulnerable children;
- Effective bullying and equality policies are adopted across the whole school community which challenges prejudicial behaviour, including transphobia, sexism, homophobia and biphobia;
- A curriculum which provides children with the opportunity to challenge stereotypes and avoid making assumptions about sex, gender, gender identity and sexual orientation.

### **21. How Do Schools Make This Happen?**

- Staff and pupils acknowledge there will be people in the community as parents, staff, carers, governors and pupils who are trans\* and that these people have a right to exist and can enrich our community in a positive way
- Incorporate a transgender policy within school policies
- Monitor the curriculum to ensure transgender identities are discussed by pupils and that there are sufficient and adequate resources to do this in a meaningful way
- Ensure transphobic behaviour is challenged and dealt with at all levels, including abuse,

bullying (name-calling, derogatory jokes, graffiti, unacceptable and unwanted behaviour, intrusive questions and harassment)

- Include transgender awareness training for staff and governors, where applicable
- Participate in events such as LGBT History Month and celebrate the achievements of people who are transgender or gender diverse

Ensure appropriate support through the school and other agencies is provided to children who are trans\* and their families. Staff must be aware of confidentiality when challenging transphobic behaviour directed at a child. For example, a member of staff may be aware the child is questioning their gender, but the child is yet to come out to the rest of the school community. There may also be situations when transphobic behaviour against a pupil has wider safeguarding implications or involves criminal behaviour.

Schools must take a balanced approach in dealing with issues and concerns raised by members of the school community regarding a transgender or gender diverse pupil. At no point must the health, wellbeing and confidentiality of that pupil be compromised; however, schools should recognise that some individuals within the school community may struggle to understand the issues experienced by transgender people or feel uncomfortable about them. Schools should structure learning to promote a greater understanding of LGBTQ+ matters, without putting a child or young person who identifies as part of the LGBTQ+ community in a more vulnerable position.

## **22. Language**

Staff being thoughtful about the use of gendered terms is important for all children and young people. For example, the language of 'ladies' and 'gents' may give an implicit message about what it is to be a woman or man and therefore reinforce certain stereotypical ideas of "femaleness" or "maleness". Equally, asking for "two strong boys" to move a piece of classroom furniture implies that girls cannot be physically strong.

In addition, care needs to be taken to avoid excluding those who do not identify as male or female (e.g. non-binary), as well as not making assumptions about someone's gender identity based on their gender expression. We encourage the use of language which does not reinforce a binary approach to gender, particularly when the gender of a person or people being referred to is not known. A trans\* boy who is referred to as a girl or a trans girl who is called a boy and non-binary pupils will feel excluded by this language. Settings can develop a repertoire of gender-neutral language that reflects their community such as: learners, Year 8, folks, partner, all genders etc. and use when appropriate.

The purpose of this thoughtful use of language is not to deny sex and gender as important parts of our identity, in fact we need to use binary language to talk about sexism, sexual harassment and sex specific life experiences. Equally, where someone's gender is known then use the relevant pronouns.

All staff, pupils and pupils should use the name, pronoun and honorific (Ms/Mr/Mx) requested (see the flowchart guidance in Appendix 1 on requests for any kind of social transitioning). It is usual for it to take time to adjust to a new name and/or pronoun, particularly when you have known the pupil for a long period of time; however, an effort should be made to get it right and if mistakes are made, to acknowledge a mistake and commit to not repeating it.

Some adults in the community may add their pronoun to email signatures and their

introductions as a way of modelling open discussion about pronouns and to normalise the understanding that a person's pronouns and gender identity may not be obvious from their appearance.

### **23. Curriculum Teaching and Learning**

A curriculum that represents diversity. Trans\* identities and awareness should be taught in age-appropriate ways within a whole school curriculum where all protected characteristics are represented.

Use diversity as a thread running through the whole curriculum:

- Include in school assemblies, lesson plans, pupil-led campaigns, and in the wider community
- Use equality calendar events such as LGBT History Month (February) International Trans Day of Visibility (31 March) as opportunities for further work.
- Ensure that resources and displays challenge gender stereotypes, actively celebrate different families and LGBTQ+ people (along with all protected groups).

### **24. Teaching and learning approaches and supporting learning needs**

Some teaching and learning approaches may make children and young people who are trans\* feel confused, excluded or uncomfortable.

Putting children and young people into single sex groups may be one of these times. There may be times when single sex groups are needed to support the learning needs of groups (e.g. boys and literacy). Providing a clear need is identified, the Discrimination (Jersey) Law allows for such provision. However, it is recommended that school staff only group by sex when it is educationally necessary.

Speak to the child or young person who is trans\* in advance to see how they would like to be accommodated in single sex groups and decide whether any additional support is needed.

Pupils undergoing social transition should be allowed to attend the single sex class that accords with the gender role in which they identify.

Statutory Guidance, Relationships Sex and Health Education recommends that all pupils have access to the same information about puberty:

Puberty including menstruation should be covered in Health Education and should, as far as possible, be addressed before onset. This should ensure male and female pupils are prepared for changes they and their peers will experience.

### **25. Providing Support for an individual child who is trans\***

#### **An individualised approach to support**

It is vital that an individual approach is taken in supporting a child or young person who is trans\*, allocating a key member of staff is an important first step. Each child and young person should be met with the kindness, compassion and support needed to keep them and their peers safe and well. There may be additional challenges for pupils who are trans\*, pupils from certain faith

or cultural backgrounds, or because of a special educational need or disability. It is important for educational settings to see all aspects of a child's identity and experience in thinking about how to best support and respond. Each journey will be unique.

### **Coming out**

It is important to recognise that coming out is a hugely significant step in any LGBTQ+ person's journey and the initial response can have a lasting impact on the individual. The choice to come out is a personal one and will be made when the time feels right for the child or young person. They may come out to some people and not others, may share it very openly in school or a wider community, or only want one person to be aware.

If a child or young person makes the decision to come out to you, it is a big step, and they have realised you are a trusted person in their life. Acknowledge what they say, be empathic and thank them for speaking with you. If you aren't sure about the terms the young person is using it is okay to ask. A first step may be to gently ask some questions 'Can you tell me more about how you feel...?' 'How long have you been thinking this...?' 'Have you spoken with anyone else / family members...?'

A "watch and wait policy" can be adopted.

It is advised that you seek permission from the child/young person to share the disclosure with a trained member of staff or support the child or young person to do so. Remember that coming out is not in itself a safeguarding issue, but depending on their environment at school, home or elsewhere it could make them a target of bullying, which would then become a safeguarding issue in which case the educational setting should follow the established safeguarding procedures.

It is important to be mindful that for changes such as names and pronouns to be acknowledged in the wider community, a level of information sharing will need to happen amongst staff and pupils. This should, as much as possible, be led by the child or young person asking for these changes and may include an educational element. Jersey Youth Service can provide support with this process.

In some educational settings, the child or young person may have transitioned in a previous school setting. School staff should be mindful that this child or young person may only come out to a small number of school staff or their peers and as such their information must be kept private and confidential (unless confidentiality needs to be broken for safeguarding reasons). It is also the case that educational settings may not be aware of all the pupils in their community who are trans\*.

Whilst a child or young person and their family may be keen to come out and make transitions as quickly as possible, school staff may need to work with them, to ensure they are supported and manage this process thoughtfully. This will help to ensure the safety of the child or young person who is coming out and to support their peers in understanding any changes. Schools and settings could use a Memorandum of Understanding template with the pupil, see Appendix 2.

### **26. Working with the parents, carers and siblings of trans\* pupils**

As a key principle, educational settings will want to work in close partnership with parents and carers. Parents and carers will often be the ones to approach the setting about the needs of their child.

Many parents and carers of a child who comes out as trans\*, will be supportive of their child; although they may also experience some shock, concern and grief for the child they feel they may lose and the future they imagined for them. They may also fear community reactions. Occasionally, parents and carers will seek to prevent their child from making any steps towards a transition and extra time, support and care will need to be offered to this family.

Parents and carers of children and young people who are trans\* can be referred to Liberate Jersey for one-to-one discussion or to the Jersey Youth Service (JYS) parent support group (the LGBTQ+ parental support groups run quarterly). JYS also host a weekly drop in for LGBTQ+ young people & by extension families every Wednesday from 2pm-7pm at the YES Project.

When working with parents and carers, settings should keep in mind that they are representing the interests of the child or young person. As far as possible, care should be taken to ensure the wishes of the individual pupil are considered with a view to supporting them during potential transition. In line with their pastoral policies, it would be good practice to make a record of support provided to children and young people who are trans\* or gender non-conforming which includes decisions made in the best interests of the child.

Siblings of a trans\* child or young person may need support, especially if they attend the same school. They may find the situation difficult themselves and find it hard to accept their sibling's gender identity. Even if they are supportive to their sibling, they may also encounter transphobia and transphobic bullying as a result of having a trans\* family member. Parents and carers may be distracted and be giving more attention to a child who is trans\*, which can lead to issues for siblings. They should be given opportunities to discuss their own feelings with pastoral members of staff.

A pupil's goals in terms of transitioning may change over time and staff will need to be aware on how best to support them to reflect this changing need. Staff across the school community must be able to offer consistent support to reflect this.

Trans\* young people should be encouraged to avoid using constricting bandages or inflexible tape that may be injurious to their health, and to access specialist advice from responsible sources that understand their needs. If there are concerns that the young person is engaging in a practice which is causing injury this may need to be escalated with empathy and understanding. Both the Jersey Youth Service and Liberate can offer advice to young people and their parents on safe practices when transitioning.

## **27. Names and Pronoun Changes**

Although a child may not have changed their name legally, they may wish to be known by a different name associated with their gender identity. An individual has the right to be called by the name of their choice and therefore the pronoun that reflects their chosen gender identity should be adopted by the school community. School records allow for a 'known as' box to be completed. This does not replace the pupil's legal name on examination certificates. Exams are more complicated.

The Joint Council for Qualifications states:

*'The center agrees to enter candidates under names that can be verified against suitable identification such as a birth certificate, passport or driver's licence. You may need to check that the name the candidate is using within the center is their legal name rather than a 'known as' name.'*

Children can obtain a deed poll (document to change their name legally) with the agreement and co-signature of a parent or guardian.

Further advice should be sought in circumstances where a pupil does not have a deed poll document and, if possible, agreement reached with the child and exam board prior to the starting of courses.

It is important to follow the lead of the child/young person and family, keep confidential where appropriate and take timely action to protect the wellbeing and welfare of all involved.

Be aware of any safeguarding concerns and follow the appropriate safeguarding procedures.

When supporting a child/young person it is important to take in all aspects of the child to produce an individualised plan as no two journeys are the same.

## **28. Children or young people with additional vulnerabilities**

### **Intersectionality**

Trans\* children and young people could have intersecting minority identities or experiences. For example, they could come from a faith background, be Black, Asian or Minority Ethnic, and/or have a disability. As a result, their outcomes and access to safe, appropriate services can be even poorer.

Therefore, all educational settings should recognise the uniqueness of their pupils, address their needs holistically and challenge all forms of prejudice, whilst keeping in mind the impact of intersectional identities.

## **29. Special Educational Needs and Disabilities (SEND)**

Children and young people with SEND may need additional support in understanding or accepting their own identity, learning about those who are different to them, and understanding that difference is to be respected and celebrated.

Staff, parents, carers, and wider professionals may need support in understanding that a child or young person with SEND is just as likely to be lesbian, gay, bisexual, trans or gender exploring as any other person.

It is important that a child or young person's words or actions are not automatically attributed to their SEND, for example, preferences for clothing types or hair length being seen as a sensory need, or behaviours described as a new special interest, fascination, curiosity or phase. Whilst this may be true in some instances, it is important to listen without judgement so that expressions of questioning gender identity are not dismissed.

Emotions related to gender identity are complex for anyone to understand and express, and this could be exacerbated in those with communication and interaction difficulties.

Some children and young people with SEND may not see the need to communicate and may not understand that others don't already see them in the same way as they see themselves or know themselves to be. This could obviously lead to increased frustration and anxiety and impact negatively on well-being and mental health. Providing one-to-one support for the child or young person to explore issues in a non-judgmental, safe way with conversations that go at the child's pace will be important.

Differences in social understanding, empathy and communication may mean specific support is needed. Tools such as Mind Mapping, Comic Strip Conversations and Social Stories may be

useful to support communication and understanding.

In addition, there may be potential increased vulnerabilities of a young person with SEND. Staff will need to give increased support as needed and teach children about safety, including online.

### **30. Race, ethnicity and faith backgrounds, and those in care**

As referenced earlier, taking an intersectional approach to understanding identities is important as those with multiple minority/marginalized identities are likely to face discrimination based on their race and gender, and this can make seeking support harder.

Additionally, children who are in care/care experienced children who are living in a care setting or have experienced care are likely to come with additional vulnerabilities due to their experience. This could include previous traumas, attachment difficulties and challenges with managing emotions.

Children and young people of faith may risk losing their communities by coming out as trans\* or gender non-conforming.

Schools and educational settings can signpost pupils to the Jersey Youth Service and or Liberate Jersey as a helpful resource for children, young people and their families.

For children living in care, it will be vital that communication between professionals, school, carers and child is clear and transparent.

### **31. Signposting to additional support**

Jersey has specialist locally based support for children, young people and their families and schools. The Jersey Youth Service support trans\* children and young people and children who identify as part of the LGBTQ+ community whether through a sexual orientation that is not heterosexual or a gender identity that is transgender or gender diverse. These services provide a safe and non-judgmental space where trans\* children and young people (aged 5 to 25) can receive support and find community links. Further information can be found at [Jersey Youth Service](#). Children and young people with other vulnerabilities including mental health needs can be referred on to appropriate services through the usual school pathways.

### **32. Confidentiality**

#### **Confidentiality and information sharing**

Most parents and carers of trans children and young people will be involved in working in partnership with the school and their child to appropriately plan and deliver support. Settings will encourage pupils to talk with their parents and carers about their trans\* status, including offering to talk with the parent or carer on the child's behalf. When a child or young person initially discloses their trans\* status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. The members of staff should make clear that they may need to share the information with another trained member of staff and potentially discuss who else may need to be told.

In line with pastoral policies (e.g. Safeguarding, Wellbeing), it would be good practice to keep a record of support provided to children and young people who are trans\*. Information about a child or young person's trans\* status, legal name, or sex registered at birth should not be shared without consent or unless there is a legal basis to do so. Educational settings should follow their usual policies related to information sharing to support the wellbeing of a child or young person. In keeping with safeguarding policies, confidentiality should only be

compromised to safeguard a child or young person.

A child or young person being LGBTQ+ or exploring their gender identity does not in itself constitute a safeguarding concern, nor is it something the child's parents or carers must be informed of. When contacting a child's family, therefore, respecting a child's confidentiality, may very occasionally require staff to use their legal name and the pronoun corresponding to their sex registered at birth.

It is important to consider school and college photos, websites and social media platforms to ensure that these images do not reveal any confidential information. If images and names are not protected, they may be used later in the person's life to 'out' them as trans\*. Ensure that the child or young person (and their parents and carers if appropriate) are aware of these risks and consent, accordingly, refer to [Data Protection \(Jersey\) Law 2018](#) for more information. All people, including children and young people, have a right to privacy. Staff should not discuss trans\* children and young people outside of school with friends or family members. The trans\* community is such a small one that even a casual reference to a child or young person may compromise confidentiality.

### **33. Transition and Medical Intervention**

The medical pathway for under 18s is lengthy with waiting times to see a gender therapist in the NHS approximately five years. In practice, most school age children will not undergo medical treatment whilst at school.

In theory, some children who are trans\* could undergo medical treatment during their time at school. Staff should be aware of the different stages of medical intervention, so they are in the best position to provide support.

Medical treatment is provided in a series of phases that include:

- A psychological assessment and counselling. Initially this would happen locally with a GP who would refer the child to CAMHS. CAMHS will then refer trans\* children to a specialist NHS Gender Identity Development Service. There are no gender therapists currently available in Jersey for under 18s.
- Medication to block the production of the hormones that feminise or masculinise the body during puberty. These used to be available to pubescent trans\* children in consultation with their gender therapist, however these are no longer prescribed due to a legal change that means they are not available (according to the NHS website at the time of writing). These so called 'puberty blockers' have been used to act as a 'pause button' on puberty to alleviate the distress caused by pubertal changes in a child experiencing gender dysphoria.
- Hormones to masculinise or feminise the body. These are available for children aged 16 and over in consultation with their gender therapist.
- Gender reassignment surgeries would not be carried out until a person is over 18 years.
- Coming to terms with your gender identity if you are trans\* can be a difficult time for any person and starting the initial stages of medical transition can be particularly demanding for the young person and their family. It is a time when schools and educational settings may be required to provide support to the young person. Staff should also be aware of the impact this time will potentially have on the young person's mental health and wellbeing.
- Schools and educational settings should provide an appropriate structure to support a young person at this time. This will include access to counselling. As there are no

professionals in Jersey qualified to work as gender therapists at this current time, a trans\* youngster's general mental health and well-being will need to be Jersey practitioners' priority with referral to CAMHS and on to an NHS Gender Identity Development Service for specialist transgender matters.

- The young person may be required to miss some schooling due to medical appointments and therefore the school should record absence accordingly. Support for the young person's learning will need to be put in place should there be a period of time spent away from school.

### **34. Admissions and Single Sex Schools**

Single sex schools in Jersey must refer to the department's [Trans\\* Inclusion policy for admissions to single sex provided schools](#) when developing their own admissions criteria. However, single sex schools should be aware that denying a trans\* girl (i.e. male to female trans\* pupil) admission to an all-girls school or denying a trans\* boy (i.e. female to male trans\* pupil) admission to an all-boys school on the grounds of their being transgender may constitute direct discrimination under the Discrimination (Jersey) Law 2013.

For children already part of a single sex school community who are in transition and make the school aware of this, support and guidance should be provided in accordance with this guidance. The school should act, in consultation with the trans\* child and their parents, with the welfare of the child and the smooth continuance of their studies placed uppermost.

Should the trans\* child wish to stay at their current school, the Discrimination (Jersey) Law 2013 makes it clear that this does not negate the status of the school as a single sex school. Should the trans\* child wish to move to another school, support should be provided to make the change as easy as possible, with the trans\* child being consulted for permission to disclose their trans\* status to the new school.

Single sex schools must be aware of their responsibilities under the Discrimination (Jersey) Law 2013 (*Part 3 - 15 Sex: admission to schools*) and their own school policies must reflect this.

### **35. Glossary and Further information and related documents**

This guidance has used various sources of information and listened to different external groups to gather information and write this guidance to help support schools.

#### **Glossary**

##### **Gender distressed or confused**

Gender distressed or confused is a way of describing distress or confusion that may arise from a broad range of experiences connected to a child's understanding of their biological sex and associated attributes and behaviours, but where a formal diagnosis of gender dysphoria has not been made.

##### **Gender Dysphoria**

Gender Dysphoria is a medically diagnosed condition with a number of clinical markers, whereby an individual experiences distress, which may be to a lesser or further extent for each individual, at the incongruence between their individual gender identity and their biological sex/assigned gender at birth.

**Gender expression** How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans or gender divergent.

It is very usual for children to experiment and explore through dressing up. Many children will 'dress up' in clothes which are seen as stereotypically intended for a different gender and this alone would not mean they were trans. All children and young people should be free to explore their gender expression without having their gender identity questioned.

For example, a boy wearing a dress does not signify that he is a girl, regardless of whether the boy is a boy who is trans or not. Schools can play a part in normalising, for example, boys having long hair or wearing jewellery without assumptions that they are gay or trans\*.

Any prejudice expressed to a child, young person or adult because of their gender expression (for example, what they are wearing) or because they are gender non-conforming should be challenged.

### **Gender identity**

Gender identity can be defined separately from biological (physiological, hormonal, chromosomal) sex and is a multifaceted, personalised and flexible interpretation of how someone sees themselves, how they wish others to see them and how they feel most authentic interacting in the world.

This may, or may not, correspond to someone's sex assigned at birth, which has a clinical name.

### **Gender incongruence**

Gender incongruence is a medical diagnostic term for a marked and persistent incongruence between an individual's experienced gender identity and their biological sex.

Some trans\* individuals experience gender incongruence. Gender incongruence is when your gender is different to the sex that you were born. This could lead to individuals experiencing gender dysphoria, which is the sense of unease that a person experiences due to the mismatch between their biological sex and their gender identity. This sense of unease or dissatisfaction could be so intense which could lead to depression and anxiety that could have a harmful impact on daily life.

Children and young people who are experiencing low mood and anxiety due to experiencing gender dysphoria should be referred to CAMHS for mental health support. While CAMHS do not offer gender affirming therapy, CAMHS can offer support while a referral is made to specialist Gender Identity Development Service in the NHS UK.

### **Gender questioning**

Gender questioning is a broad term that might describe children and young people who are asking questions about their biological sex and perceived gender identity.

### **Gender stereotypes**

The World Health Organization (WHO) explains that: "While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and workplaces."

Many people's gender identity and or gender expression will be stereotypical, however gender stereotyping becomes harmful when it limits an individual's capacity to develop, make choices and pursue careers outside of a stereotype. "When individuals or groups do not "fit" established gender norms they often face stigma, discriminatory practices or social exclusion –

all of which adversely affect health.”

The wellbeing of all children and young people can be harmed by stereotyping. All educational settings will want to enable and support pupils who wish to challenge gender stereotypes by giving the message that there are many ways to be a girl or a boy, e.g. girls supported to take Science, Technology, Engineering and Mathematic (STEM) subjects. This approach will be of benefit to the wellbeing and aspirations of all children and young people and contribute to reducing and preventing sexism, homophobia, biphobia and transphobia. This work will also benefit trans and non-binary children and young people as unrealistic expectations about what it means to be a man, woman, boy or girl in society can do harm to those who don't conform to the gendered expectations placed on them.

### **Non-binary**

An umbrella term for people whose gender identity doesn't sit comfortably within 'man' or 'woman'. Non-binary genders and identities are varied and can include people who identify with some aspects of binary identities, while others exist outside of those categories entirely. Non-binary people may use the pronoun 'they' but may also use 'he', 'she' or another pronoun. Pronouns do not equal gender: for example, a person may be a non-binary gender but use 'he' or 'she' pronouns.

### **Orientation**

Orientation is an umbrella term describing a person's attraction to other people. This attraction may be sexual (sexual orientation) and/or romantic (romantic orientation). These terms refer to a person's sense of identity based on their attractions, or lack thereof. Trans\* people, like everyone else, can have a range of sexual orientations.

**Sex** The Office for National Statistics states that the UK government defines sex as:

- referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions
- generally male or female
- something that is assigned at birth

### **Trans\*(gender)**

Trans\* or transgender is an umbrella label used to describe an individual whose gender identity does not match to their biological sex, nor gender assigned at birth. Trans\* can encompass not only an individual who experiences gender dysphoria and wishes to transition from one gender to another (i.e. transman or transwoman), but also includes (and is not limited to) non-binary, gender-queer, gender-fluid, agender, gender-neutral, gender-questioning or bigender individuals who do not feel they exist comfortably within the binary concepts of "boy/man" or "girl/woman".

Someone who identifies as trans\* does not need to have had any surgical procedures but can self-identify as wishing to distinguish their gender as different to that which was assigned to them at birth.

It is important to note that using the term "questioning" does not negate the validity of a person's identity or process of exploration of that identity but allows for a fluidity which some might feel more comfortable with.

Trans\* identity, as a gender identity, is separate to sexual identity/orientation.

### **Social Transition**

Some trans\* individuals may want to begin socially transitioning, which means exploring the way they appear to, and interact with, other people. They may express their gender identity

through their physicality (clothes, hair etc.), and/or tone and depth of voice, and/or pronouns (she, he, they) and/or chosen name.

Social transitioning can reduce the negative impact of gender dysphoria and for some, is sufficient to effectively manage it. For others, this may be the first step in a longer transition journey with other elements (legal and/or medical) involved at later stages. It is important to remember that there is no one “right” way to transition and it will be different for each individual, as gender is so diverse.

Social transitioning can also increase gender euphoria – a feeling of joy and satisfaction when someone is expressing the gender which feels most comfortable and true to them.

Whilst it is recognised that a young person’s records cannot be changed without official documentation such as deed poll (which can be done with parental consent under the age of 18), it is not uncommon for trans\* individuals to want to be known ‘unofficially’ by another name or different/additional pronouns.

We strongly recommend respecting an individual’s stated name and pronouns in order to support and respect them, as a key factor to the positive impacts of social transition for an individual is the wider support given in doing so. Staff and other pupils should not be sanctioned for making one-off mistakes. However, any repeated non-use of correct pronouns/name should be considered under the school’s behaviour policies and/or codes of conduct. In all cases, bullying, teasing and unkindness must never be tolerated.

### **Acronyms**

“AFAB” = Assigned Female at Birth

“AMAB” = Assigned Male at Birth

### **Transphobia**

Transphobia is not a “fear” in the traditional sense of a phobia but is a more complex mix of attitudes and behaviours. Broadly, it can be defined as intolerance of and discriminatory behaviour towards a trans\* (or perceived trans\*) person on the basis of their gender identity, which can result in any of the below:

- Restriction or removal of rights
- Misrepresentation
- Abuse (physical and/or verbal)
- Systematic oppression and/or exclusion

### **Legal Considerations**

This guidance covers areas that remain untested in the courts. Whilst it is not possible for the guidance to state a definitive legal position on all areas, the guidance seeks to provide clear advice to schools and educational settings to help inform their decisions. In doing so, it identifies the factors that schools and educational settings should consider when making decisions.

The statutory guidance [Keeping Children Safe in Education \(KCSIE\)](#) sets out the legal duties that must be followed to safeguard and promote the welfare of all children under the age of 18 in schools and colleges. These duties also apply to high-needs learners up to the age of 25 please refer to the KCSIE guidance for further details.

### **Useful resources and training**

<https://liberate.ie/training>

## [Jersey Youth Service](#)

- The LGBTQ+ parental support groups run quarterly
- Weekly drop in for LGBTQ+ young people & by extension families every Wednesday from 2pm-7pm at the YES Project. [LGBTQ - Youth Enquiry Service](#)
- JYS regular offer is 3 youth club sessions weekly for LGBTQ+ young people primarily aged 11-18, and a social session for young adults aged 18-25.
- JYS meet with new young people prior to them attending sessions to see the youth club spaces, answer any questions that they might have.

<http://genderedintelligence.co.uk>

<https://transjersey.org>

## [Brighton & Hove Trans Inclusion Schools Toolkit 2021](#)

[education.gov.uk/equalities-political](http://education.gov.uk/equalities-political)

[Gender Questioning Children - non-statutory guidance](#)

[Gender dysphoria - NHS](#)

[World Health Organization \(WHO\)](#)

Office for National Statistics:

[Sex and gender within the context of data collected for the Sustainable Development Goals \(SDGs\) - Office for National Statistics](#)

[Useful contacts - LGBTQIA+ mental health - Mind](#)

<https://lgbtplushistorymonth.co.uk/>

<https://www.justlikeus.org/>

Below are some suggestions for training and further information.

### **Jersey:**

[Training | Liberate](#)

### **UK based providers:**

[Pride & Progress](#)

[Diverse Educators](#)

### **Secondary School resources:**

[TransCatholicTeacher](#)

[CES Project Homophobic Bullying Booklet JUN18.indd](#)

[Adam Brett - Our staff - University of Derby](#)

### **Books / useful reading**

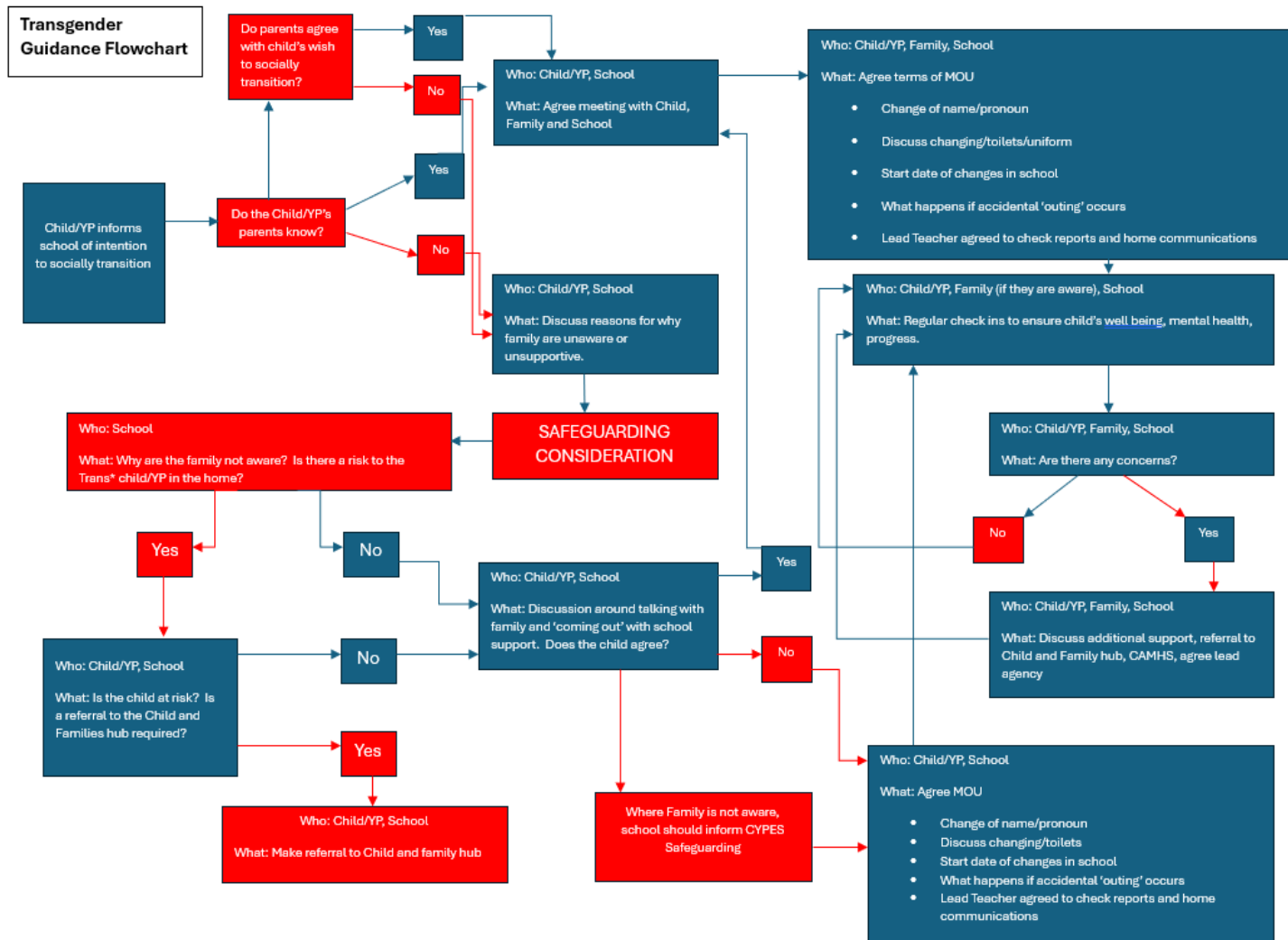
How to Transform Your School into an LGBT+ Friendly Place: A Practical Guide for Nursery, Primary and Secondary Teachers - by [Dr Elly Barnes MBE and Dr Anna Carlile](#) (3 Mar. 2018)

Celebrating Difference: A whole-school approach to LGBT+ inclusion - by [Shaun Dellenty](#) (30 May 2019)

Diverse Educators: A Manifesto by [Bennie Kara](#) (Editor), [Hannah Wilson](#) (Editor) (11 April 2022)

# APPENDIX 1

## Flowchart guidance for schools when a pupil approaches school of intention to socially transition



## APPENDIX 2

### MEMORANDUM OF UNDERSTANDING CHECKLIST

#### For pupils wanting to socially transition

A Memorandum of Understanding (MoU) is a note of the conversation between you and the pupil you are supporting and provides a plan for how you are both going to progress. This conversation should be guided by the pupil. The MoU should reflect what has been discussed and agreed on and be signed by both parties. It should be reviewed regularly (every six months) and updated should the pupil's plans and wishes have changed.

<b>Items to discuss with the transitioning pupil</b>	
	Have they chosen a new name and, if so, a name they wish to be known as?
	What is their preferred gender pronoun(s)?
	When would they like to start using their new name and gender pronoun(s)? And who would they like to use them (everyone in school)?
	How would they like to inform people of their transition? Face-to-face? Gradually?
	Who would they like to inform people of their transition? Will they do it personally?
	Has the pupil /person told their family? Does everyone at home know about their transition? Are they supportive? [If the individual is only transitioning at school due to a lack of support at home, for example, discuss the need for the sharing of information about their transition to be handled sensitively at school until such time as they are 'out' at home.]
	Has the pupil /person told their friends or any other trusted person?
	Does the pupil understand their rights under the Discrimination (Jersey) Law not to be discriminated against at school? Explain that this is supported by the school.
	Does the pupil have any concerns they want to discuss with their transition at school? Are there areas in which the school can help?
	Does the pupil have any uniform concerns?
	Ensure that the pupil knows what toilet/changing room facility that corresponds with their gender identity is available to use.
	Discuss plans with the pupil about support from the family and what agency support is available.
<b>Action points</b>	
	Draw up a memorandum of understanding from your discussion for you both to sign.
	Once approved amend the school register to show a new name, likes to be known as and update all staff.

## Change History

Version	Date Issued	Issued by	Reason for change
1.6	03.08.2021	Service Manager for Vulnerable Children	Updated to reflect current practice
1.7	02.12.2024	Service Manager for Vulnerable Children	Updated to reflect current practice and link to new Equality in Education Policy – which is the overarching document

## Approval

Presented to	Approved by	Date
SMT		09.2021
SLT		22.11.2021
CYPES SLT		02.12.2024
CYPES Ministerial Team		04.03.2025