

# **Supporting Transgender Pupils In School guidance**

## **Equality Impact Assessment**

**August 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
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## Equality Impact Assessment Record

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	Supporting Transgender Young People In Schools guidance	
<b>Ministers</b>	Cabinet Secretary for Education and Skills  Cabinet Secretary for Social Security and Older People	
<b>Lead official</b>	Laura Meikle, Support and Wellbeing Unit	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	Team members	Support and Wellbeing Unit
<b>Directorate: Division: Team</b>	Learning Directorate Improvement, Attainment and Wellbeing Division Support and Wellbeing Unit	
<b>Is this new policy or revision to an existing policy?</b>	The policy on the support of transgender pupils in school is underpinned by the Equality Act 2010 which sets out the legal framework for the promotion of equality and prevention of discrimination across protected characteristics, including gender reassignment. The development of this new guidance follows on from guidance published by LGBT Youth Scotland in 2017.	

### Screening

#### Policy Aim

The purpose of the guidance is to provide advice and information to responsible bodies - education authorities, grant-aided and independent schools - on the provision of support for transgender young people<sup>1</sup>.

The guidance aims to align with the provisions of the Equality Act 2010 and other relevant legislative requirements.

#### Who will it affect?

The purpose of the guidance is to set out advice and guidance to ensure that transgender young people in schools are supported to fully benefit from educational opportunities available to them. The guidance also comments, in some areas, on the rights of all young people in schools, girls, and parents and carers.

#### What might prevent the desired outcomes being achieved?

It is necessary for those working in schools to have confidence in the actions that they take in meeting the needs of transgender young people. It is recognised that this can be complex and that school staff may be worried about accidentally upsetting or offending young people. This practical advice and guidance will support school staff in providing support to transgender young people as part of ensuring that they are able to fully benefit from the educational opportunities available to them.

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<sup>1</sup> The guidance uses the term 'young people' throughout to mean children or young people who are of school age.

## **Stage 1: Framing**

### **Results of framing exercise**

There is significant evidence available in relation to the pupil population in Scotland.

There is very limited evidence on the transgender population in Scotland, including young people.

There is some evidence available in relation to transgender pupils and young people in the form of research undertaken by third sector and other interested organisations.

### **Extent/Level of EQIA required**

It is considered that a partial EQIA is required for this work. The protected characteristics of age and marriage and civil partnership do not apply to schools. Impact has been assessed across all of the relevant protected characteristics, those most affected are:

- Disability
- Gender reassignment
- Sex
- Sexual orientation

The decision to develop new guidance on 'Supporting Transgender Young People in Schools' is a new policy development\*. There will also be a partial Child Rights and Wellbeing Impact Assessment (CRWIA). It is considered that a Business Regulatory Impact Assessment is not required.

\*Supporting Transgender Young People: Guidance for schools in Scotland was published by LGBT Youth Scotland in 2017

## Stage 2: Data and evidence gathering, involvement and consultation

There is limited information available on transgender young people in schools. This is acknowledged below. In preparing this EQIA and the associated CRWIA of the Supporting Transgender Young People in schools a wide range of information and advice was considered. This has included a range of research, statistical information and other sources of potential evidence<sup>2</sup>.

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>3</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	<p>The guidance will affect a particular age group, namely those of school age in Scotland.</p> <p>In 2019 there were 697,989 pupils in Scotland’s local authority and grant-aided primary, secondary and special schools. These are school age pupils, between the ages of 5 and 19 years of age. There were 398,794 primary age pupils, 292,063 secondary age pupils and 7,132 pupils aged between 5 and 19 who are learning in special schools.</p>	<p>Table 2.1  <a href="https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition">https://www.gov.scot/publications/summary-statistics-schools-scotland-no-10-2019-edition</a></p>	<p>The schools provisions in Part 6 of the Equality Act 2010 do not apply to the a protected characteristic of age.  <a href="https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland">https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland</a> (para 5.103)</p> <p>Therefore it is not strictly necessary for this protected characteristic to be considered as part of this EQIA. That said, it is appropriate to understand who the guidance will apply to, and therefore this characteristic has been assessed.</p>

<sup>2</sup> The CRIA developed by Women and Girls Scotland was considered, but has not been referenced below. A wide range of evidence relating to the matters in relation to women and girls has been sourced and is presented as part of this impact assessment.

	<p>The average age at referral to Scottish Gender Identity Clinics has fallen over time, and is currently 26 years for adults and 14 years for young people.</p>	<p>Scottish Public Health Network (ScotPHN) Health Care Needs Assessment of Gender Identity Services, May 2018, page 11  <a href="https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf">https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf</a></p>	<p>Currently trans young people are unable to undergo medical treatment (beyond hormonal treatment) under the age of 18 years of age. However, in order to be protected by the protected characteristic of gender reassignment it is not necessary for a medical transition to be undertaken. Please see paragraph 5.112 of the Technical Guidance for Schools in Scotland  <a href="https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland">https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland</a></p>
<p><b>DISABILITY</b></p>	<p>In 2019 there were 18,465 pupils in Scotland’s publically funded schools who are assessed or declared as having a disability.</p>	<p>Table 4.5: Pupil characteristics  <a href="https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf">https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf</a></p>	<p>As it is not known how many people (including young people) identify as transgender in Scotland it is not possible to accurately indicate how many pupils may identify as transgender and who may also have a disability.</p>

	<p>Stonewall Scotland reported the results of a survey to which 1,261 Scottish LGBT people responded. Of those 33% (416) indicated that they have a disability.</p>	<p><a href="https://www.stonewallscotland.org.uk/sites/default/files/lgbt_in_scotland_health_report.pdf">LGBT Health in Scotland https://www.stonewallscotland.org.uk/sites/default/files/lgbt_in_scotland_health_report.pdf</a></p>	<p>It is not possible to disaggregate the data further to identify transgender young people within this evidence source.</p>
	<p>Research carried out by LGBT Youth Scotland showed that within a sample of 487 respondents, 22% of LGBT young people noted that they had a disability</p>	<p><a href="https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf">https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf</a></p>	<p>It is not possible to disaggregate the data further to identify transgender young people within this evidence source.</p>
	<p>This evidence suggests that toilets can be an area of challenge both for those who are transgender and those who have a disability.</p> <p>Research found “that many trans and disabled people experience significant difficulties in accessing a safe, usable and comfortable toilet away from home. There is a need for more all-gender toilet provision (sometimes known as ‘gender neutral’ toilets). “</p> <p>“A ‘one size fits all’ approach to toilet design doesn’t work – there is no one toilet design to suit all users’ needs. Nevertheless, consideration of all users and moves towards improvement are crucial.”</p>	<p>Around the Toilet: a research project report about what makes a safe and accessible toilet space <a href="http://shura.shu.ac.uk/21258/1/Around%20the%20Toilet%20Report%20final%201.pdf">http://shura.shu.ac.uk/21258/1/Around%20the%20Toilet%20Report%20final%201.pdf</a></p>	<p>This is not school based research and therefore reflects a broader perspective which may apply also in schools.</p>

<p><b>SEX</b></p>	<p>In 2019, there were 342,551 female pupils and 355,438 male pupils registered in Scotland’s publically funded schools.</p>	<p><a href="https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf">https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf</a></p>	
	<p>The <i>First Minister’s National Advisory Council on Women and Girls 2018 First Report and Recommendations</i> referred to evidence from Girlguiding UK “In 2015, 75% of girls and young women reported anxiety about experiencing sexual harassment, with 25% of 11 to 16 year olds saying that it made them consider whether to speak out in class.</p>	<p>Girlguiding UK (2015) Girls’ Attitudes Survey  <a href="https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2015.pdf">https://www.girlguiding.org.uk/globalassets/docs-and-resources/research-and-campaigns/girls-attitudes-survey-2015.pdf</a></p>	<p>The survey reflects the views of 1,574 girls and young women aged between 7 and 21 who took part in the 2015 survey. Given that this sample size is small in comparison to the number of female pupils in Scotland’s schools, and the age range extends beyond school age this source of evidence cannot be considered representative, therefore other sources of evidence on this matter have also been sought.</p>

	<p><i>Making Women Safer in Scotland: The Case for Standalone Misogyny Offence</i> sets out a range of evidence on girls experience of bullying and sexual harassment in schools</p>	<p><a href="https://www.engender.org.uk/content/publications/Making-Women-Safer-in-Scotland---the-case-for-a-standalone-misogyny-offence.pdf">https://www.engender.org.uk/content/publications/Making-Women-Safer-in-Scotland---the-case-for-a-standalone-misogyny-offence.pdf</a> Page 10</p>	<p>The report sets out a range of evidence from a number of sources including girls, women’s organisations and media sources in relation to girls’ experiences of bullying and sexual harassment in schools. These align to the concerns highlighted above.</p>
	<p><i>It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools</i> found that “sexual harassment and intimidation is being experienced by children in both primary and secondary school. Gender played a key factor we found, and is disproportionately impacting girls and young women.”</p>	<p><a href="https://sp-bpr-en-prod-cdnep.azureedge.net/publicshed/EHRiC/2017/7/6/It-is-not-Cool-to-be-Cruel--Prejudice-based-bullying-and-harassment-of-children-and-young-people-in-schools/5th%20Report%202017.pdf">https://sp-bpr-en-prod-cdnep.azureedge.net/publicshed/EHRiC/2017/7/6/It-is-not-Cool-to-be-Cruel--Prejudice-based-bullying-and-harassment-of-children-and-young-people-in-schools/5th%20Report%202017.pdf</a></p>	<p>The report provides a further source of evidence on the evidence presented to Committee by Women’s and Children’s organisations on girls experiences of bullying and harassment in schools. This source of evidence also aligns to the evidence highlighted above</p>



	<p>Young Women Lead Committee report on sexual harassment in schools. Set out evidence and recommendations which provide a starting point for action which the Lead Committee believe must be undertaken.</p>	<p><a href="https://www.parliament.scot/WebSPEIRResources/YWL-Report-FINAL.pdf">https://www.parliament.scot/WebSPEIRResources/YWL-Report-FINAL.pdf</a></p>	<p>This report sets out a wide range of evidence across a range of themes related to sexual harassment in schools. This evidence was gathered and presented by a group of young women and set out that “The impact of sexual harassment on girls is significant and can be long-lasting. It can negatively impact everything from their mental health to their relationships and career choices.” Their focus groups found that “91% of participants considered sexual harassment or gender based bullying to be a problem at their school” and responses to their questionnaire reported that “54% did not feel protected from sexual harassment in schools, with 26% feeling “extremely vulnerable”” This evidence aligns to the concerns which have been highlighted in evidence elsewhere.</p>
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	<p>'Toilets unblocked: A literature review of school toilets' undertaken by the Commissioner for Children and Young People in Scotland indicated that both "boys and girls may limit their intake of fluids in order to avoid using bathrooms where they were inappropriately public facilities". The report also noted that privacy was important for children, and that toilets can be an area where young people believe that bullying may take place.</p>	<p><a href="https://www.cypcs.org.uk/files/Toilets-Literature-Review.pdf">https://www.cypcs.org.uk/files/Toilets-Literature-Review.pdf</a> page 6, page 10</p>	<p>This literature review sets out a range of evidence in relation to the use of toilets in schools by both girls and boys and highlights some of the concerns that young people face.</p>
<p><b>PREGNANCY AND MATERNITY</b></p>	<p>In 2017, there were 1,319 teenage pregnancies, where the mother was aged 18 or under.</p>	<p><a href="https://www.isdscotland.org/Health-Topics/Sexual-Health/Publications/2019-07-02/2019-07-02-TeenPreg-Report.pdf">https://www.isdscotland.org/Health-Topics/Sexual-Health/Publications/2019-07-02/2019-07-02-TeenPreg-Report.pdf</a></p>	<p>Table 1 of the Teenage Pregnancy Report sets out the number of teenage pregnancies where the mother was aged 18 or under. It cannot be assumed that all of the mothers were attending school.</p> <p>Information on the number of pupils who are pregnant or mothers is not collected.</p>

<p><b>GENDER REASSIGNMENT</b></p>	<p>In 2017 it was estimated that there were 183 appointed referrals to the Young People’s Gender Service Glasgow. Whilst referrals to the service will not reflect the entire population of transgender young people in schools it provides an indication of the number of children and young people who are receiving support with their transition.</p> <p>While it was not possible to find a precise estimate of the number of trans people in Scotland, the most commonly used figure is 0.5% of the population, which would be just under 24,000 adults. The number of trans people accessing services at Scottish Gender Identity Clinics is much smaller than this, around 1800 adults and 600 children over the four year period from 2014 to 2017.</p>	<p>Scottish Public Health Network (ScotPHN) Health Care Needs Assessment of Gender Identity Services, May 2018, page 44  <a href="https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf">https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf</a></p> <p>Scottish Public Health Network (ScotPHN) Health Care Needs Assessment of Gender Identity Services, May 2018, page 11  <a href="https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf">https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf</a></p> <p>Scottish Public Health Network (ScotPHN) Health Care Needs Assessment of Gender Identity Services, May 2018, Graph 12 page 16  <a href="https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf">https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf</a></p>	<p>The pupil census does not collect information on the number of pupils who are transgender.</p> <p>A limitation of population estimates in relation to the number of transgender young people within the school population are that they may relate to those who have Gender Recognition Certificates or on the basis of medical intervention which would not currently apply to the majority of pupils in schools. The protected characteristic of gender reassignment applies more widely than those receiving medical support for transition. Please see paragraph 5.112 of the Technical Guidance for Schools in Scotland  <a href="https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland">https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland</a></p>
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		<a href="content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf">content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf</a>	
	<p>There have been 325 updated Scottish birth certificates provided since 2005.</p>	<p>National Records of Scotland</p>	<p>This evidence shows that a small number of people in Scotland have applied for updated birth certificates. It should be noted that currently those under 18 years of age cannot apply.</p>

	<p>Research found that transgender young people can have poor educational experiences which affect their health and wellbeing and educational outcomes:</p> <p>82% of transgender young people experienced bullying in school on the grounds of being LGBT. This has risen from 77% in 2012.</p> <p>27% of transgender young people left education as result of homophobia, biphobia and transphobia in the learning environment</p> <p>63% of transgender young people experienced suicidal thoughts or behaviours</p> <p>59% of transgender young people said that they self-harmed</p> <p>83% of transgender young people, who had experienced at least one mental health problem, had been bullied at school</p>	<p>Lough Dennell, B.L., Anderson, G. and McDonnell, D. (2018) <i>Life in Scotland for LGBT Young People</i>. LGBT Youth Scotland.  <a href="https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf">https://www.lgbtyouth.org.uk/media/1354/life-in-scotland-for-lgbt-young-people.pdf</a></p>	<p>The research presented the views of 684 LGBT young people aged 13 to 25. Whilst the sample size of the research is small in comparison to the pupil population in Scotland's schools the research findings chime with the evidence presented above.</p>
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	<p>Research found that 37% of respondents said that someone had forced, or tried to force them to have sex when they were under the age of 16.</p>	<p>Roch et al. (2010) <i>Out of Sight Out of Mind, Transgender People's Experience of Domestic Abuse</i>. LGBT Youth Scotland &amp; the Scottish Transgender Alliance Page 5</p>	<p>The report sets out questionnaire responses from people aged 16 to 60 with only one respondent over the age of 60. The mean average age of respondents was 37. This is significantly beyond school age. The evidence sets out that transgender young people can be vulnerable to sexual assault particularly at a young age.</p>
			<p>No evidence was established of transgender young people in schools presenting a safety risk to other young people as a result of their gender reassignment status. As noted above there is evidence of sexual harassment of girls in schools, but this does not include evidence relating to transgender young people.</p>

	<p>A survey of young people found that 58% of all young people who responded witnessed increased prejudice based posts, comments and/or attitudes online 36% of those comments related to homophobia, and 26% related to transphobia.</p> <p>82% reported experiencing bullying in their place of education, and 29% reported experiencing bullying, sometimes or more than once or twice.</p>	<p><a href="https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf">https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf</a> - page 21</p> <p><a href="https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf">https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf</a> - page 22</p> <p><a href="https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf">https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf</a> - page 34</p>	<p>The respondents to this survey were aged 12-24. The age range therefore reaches beyond school age. There were 1,015 respondents. The survey was carried out during COVID-19 lockdown, whilst schools were closed.</p>
<b>SEXUAL ORIENTATION</b>	<p>In a recent survey 23% of trans respondents identified as gay or lesbian, 32% bisexual, 14% pansexual, 7 % other and 5% queer.</p>	<p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721704/LGBT-survey-research-report.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721704/LGBT-survey-research-report.pdf</a> page 15</p>	<p>The respondents to the survey were aged 16 and over. Information is not collected on the sexual orientation of pupils in Scotland's schools.</p>
	<p>Research found that young age, low income and low educational attainment predict particular vulnerabilities to domestic abuse in same sex relationships and being newly 'out' can position somebody as more vulnerable to abuse.</p>	<p>Donovan. C &amp; Hester.M (2014). <i>Domestic Violence and Sexuality - What's love got to do with it?</i> University of Bristol</p> <p><a href="https://www.universitypressscholarship.com/view/10.1332/policypress/9781447307433.001.0001/upso-9781447307433">https://www.universitypressscholarship.com/view/10.1332/policypress/9781447307433.001.0001/upso-9781447307433</a></p>	

	<p>A survey of young people found that 58% of all young people who responded witnessed increased prejudice based posts, comments and/or attitudes online</p> <p>36% of those comments related to homophobia, and 26% related to transphobia.</p>	<p><a href="https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf">https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf</a> - page 21</p> <p><a href="https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf">https://www.tiecampaign.co.uk/s/TIE-ONLINE-IN-LOCKDOWN-REPORT-9s5p.pdf</a> - page 22</p>	<p>The respondents to this survey were aged 12-24. The age range therefore reaches beyond school age. There were 1,015 respondents. The survey was carried out during COVID-19 lockdown, whilst schools were closed.</p>
<b>RACE</b>	<p>Information on pupils' ethnicity is collected as part of the annual pupil census. In 2019, there were:</p> <p>544,241 pupils who identify as White Scottish</p> <p>41,325 pupils who identify as White – Other British</p> <p>1,387 pupils who identify as White – Gypsy/Traveller</p> <p>39,139 pupils who identify as White - Other</p> <p>10,066 pupils who identify as Mixed</p> <p>6,598 pupils who identify as Asian – Indian</p> <p>14,101 pupils who identify as Asian – Pakistani</p> <p>1,195 pupils who identify as Asian – Bangladeshi</p> <p>4,327 pupils who identify as Asian – Chinese</p> <p>4,208 pupils who identify as Asian – Other</p> <p>1,298 pupils who identify as Caribbean/Black</p> <p>8,550 pupils who identify as African</p> <p>7,516 pupils who identify as Other</p> <p>13,917 whose identity was Not known / not disclosed</p>	<p><a href="https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf">https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/12/summary-statistics-schools-scotland-no-10-2019-edition/documents/summary-statistics-schools-scotland/govscot%3Adocument/summary-statistics-schools-scotland.pdf</a></p>	<p>This information is collected by the Scottish Government as part of the national pupil census.</p>



<b>RELIGION OR BELIEF</b>	<p>In 2018 123,736 pupils learn in 365 Scottish publically funded denominational schools. This equates to 17.8% of all pupils in 2018.</p>	<p>Table 1.15  <a href="https://www2.gov.scot/Topics/Statistics/Browse/Schools/Education/dspupcensus/dspupcensus18">https://www2.gov.scot/Topics/Statistics/Browse/Schools/Education/dspupcensus/dspupcensus18</a> </p>	<p>There is no information collected on the religion or belief of pupils in Scotland. As indicated, there are a number of pupils who learn within denominational schools in Scotland.</p>
<b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	<p>Marriage and civil partnership is not protected a characteristic for the schools provisions of the Equality Act 2010.</p>	<p><a href="https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland">https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland</a>          (para 5.103)</p>	<p>The schools provisions in Part 6 of the Equality Act 2010 do not apply to the protected characteristic of marriage and civil partnership so this characteristic has not been assessed.</p>

**Stage 3: Assessing the impacts and identifying opportunities to promote equality**

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

**Do you think that the policy impacts on people because of their age?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			The guidance is not considered to impact positively or negatively for pupils in relation to their age.	It is recognised that the guidance relates to young people in schools and therefore the guidance is focussed towards a specific age group. This means that the advice and information within the guidance is focussed towards pupils of a particular age group. The guidance reflects the need for age and stage appropriate learning, which is common across all curricular matters.
Advancing equality of opportunity			The guidance is not considered to impact positively or negatively for pupils in relation to their age.	It is recognised that the guidance relates to young people in schools and therefore the guidance is focussed towards a specific age group. This means that the advice and information within the guidance is focussed towards pupils of a particular age group. The guidance reflects the need for age and stage appropriate learning, which is common across all curricular matters.

Promoting good relations among and between different age groups			The guidance is not considered to impact positively or negatively for pupils in relation to their age.	It is recognised that the guidance relates to young people in schools and therefore the guidance is focussed towards a specific age group. This means that the advice and information within the guidance is focussed towards pupils of a particular age group. The guidance reflects the need for age and stage appropriate learning, which is common across all curricular matters.
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**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			The guidance is not considered to impact positively or negatively for pupils with disabilities	The guidance in relation to toilets and changing rooms suggests that in some cases the use of existing accessible facilities within schools may assist in making provision for transgender young people. The guidance also makes clear that decisions in these circumstances must respect the rights, needs and wishes of all concerned. This consideration will include the need for pupils with disabilities to use accessible facilities and will ensure arrangements are put in place which do not disadvantage pupils with disabilities

<p>Advancing equality of opportunity</p>			<p>The guidance is not considered to impact positively or negatively on advancing equality of opportunity specifically.</p>	<p>The guidance seeks to ensure that in considering policy and practice in relation to transgender young people, the needs of all young people are considered. The Supporting Transgender Young People in Schools guidance does not limit or interfere with the provision of support to children and young people with disabilities, which are also guided through the legislative frameworks of the Equality Act 2010 and the Additional Support for Learning framework.</p>
<p>Promoting good relations among and between disabled and non-disabled people</p>			<p>The guidance is not considered to impact positively or negatively on promoting good relations among and between disabled and non-disabled people.</p>	<p>The guidance does not provide advice which would promote or prevent good relations between pupils with and without a disability.</p>

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is not considered to impact positively or negatively for male and female pupils	<p>The guidance recognises the specific concerns in relation to girls experience of sexual harassment in schools. There is evidence to suggest that toilets and changing rooms are places within schools where young people (girls, boys and transgender young people) feel vulnerable. The guidance therefore references the specific work being undertaken in relation to violence against women and girls, and the challenges faced by young people in these spaces and encourages schools to consider carefully the provision of toilets and changing rooms to meet the needs of all young people which will further the wellbeing of all.</p> <p>The guidance also references specific approaches to promote gender equality, and challenge stereotypes as part of addressing the issues faced by girls within education.</p>
Advancing equality of opportunity			The guidance is not considered to impact positively or negatively for male and female pupils	The guidance seeks to ensure that the rights and needs of all pupils including girls and boys are considered and met as part of any considerations. This is particularly the case in relation to the matters described above.

Promoting good relations between men and women			The guidance is not considered to impact positively or negatively on promoting good relations between male and female pupils	The guidance does not provide advice which would promote or prevent good relations between female and male pupils.
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**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is not considered to impact positively or negatively in relation to pregnancy and maternity.	The guidance does not provide advice in relation to pregnancy and maternity.

Advancing equality of opportunity			The guidance is not considered to impact positively or negatively in relation to pregnancy and maternity.	The guidance does not provide advice in relation to pregnancy and maternity.
Promoting good relations			The guidance is not considered to impact positively or negatively in relation to pregnancy and maternity.	The guidance does not provide advice in relation to pregnancy and maternity.

**Do you think your policy impacts on transgender people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	The guidance is considered to positively impact on transgender young people in schools			The guidance seeks to provide advice and guidance to schools and school staff in relation to the support of transgender young people. It is an area in which school staff have reported a need for advice and guidance in order to ensure that all young people, including transgender young people, have positive educational experiences. There is significant evidence that transgender young people can have poor educational experiences, which impact on their health and wellbeing and educational outcomes.

Advancing equality of opportunity	The guidance is considered to positively impact on transgender young people in schools			As set out above the guidance seeks to support schools and school staff in supporting transgender young people towards positive educational experiences. This is in line with the aspiration for all children and young people in schools.
Promoting good relations	The guidance is considered to positively impact on transgender young people in schools			The guidance seeks to provide advice to schools and school staff which supports greater understanding of transgender young people. The guidance offers advice on actions which can be taken as part of learning which promotes greater understanding of transgender matters.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is considered to neither positively nor negatively impact on young people in schools in relation to sexual orientation	The guidance recognises that lesbian, gay and bisexual young people may not have a positive educational experience as part of the context for this guidance. The guidance seeks to support schools and school staff in supporting transgender young people and also addresses matters relating to lesbian, gay and bisexual young people within it.



Advancing equality of opportunity			The guidance is considered to neither positively nor negatively impact on young people in schools in relation to sexual orientation	The guidance recognises that lesbian, gay and bisexual young people may not have a positive educational experience as part of the context for this guidance. The guidance seeks to support schools and school staff in supporting transgender young people and also addresses matters relating to lesbian, gay and bisexual young people within it.
Promoting good relations			The guidance is considered to neither positively nor negatively impact on young people in schools in relation to sexual orientation	The guidance recognises that lesbian, gay and bisexual young people may not have a positive educational experience as part the context for this guidance. The guidance seeks to support schools and school staff in supporting transgender young people and addresses matters relating to lesbian, gay and bisexual young people including the need to also support increased understanding of transgender and other identities.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is not considered to impact positively or negatively in relation to race.	The guidance does not provide advice in relation to race.

Advancing equality of opportunity			The guidance is not considered to impact positively or negatively in relation to race.	The guidance does not provide advice in relation to race.
Promoting good race relations			The guidance is not considered to impact positively or negatively in relation to race.	The guidance does not provide advice in relation to race.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is not considered to impact positively or negatively in relation to religion and belief.	The guidance is framed within the legislative framework of the Equality Act 2010. It therefore focusses on supporting schools in meeting the needs of transgender young people within the context of meeting the needs of all pupils and our commitment to ensuring that all pupils have positive educational experiences. The guidance does not comment on religion or belief explicitly, and does not alter the requirements on schools under the Equality Act or the specific legislative provisions and guidance relating to religious observance.

Advancing equality of opportunity			The guidance is not considered to impact positively or negatively in relation to religion and belief.	The guidance is framed within the legislative framework of the Equality Act 2010. It therefore focusses on supporting schools in meeting the needs of transgender young people within the context of meeting the needs of all pupils and our commitment to ensuring that all pupils have positive educational experiences. The guidance does not comment on religion or belief explicitly, and does not alter the requirements on schools under the Equality Act or the specific legislative provisions and guidance relating to religious observance.
Promoting good relations			The guidance is not considered to impact positively or negatively in relation to religion and belief.	The guidance is framed within the legislative framework of the Equality Act 2010. It therefore focusses on supporting schools in meeting the needs of transgender young people within the context of meeting the needs of all pupils and our commitment to ensuring that all pupils have positive educational experiences. The guidance does not comment on religion or belief explicitly, and does not alter the requirements on schools under the Equality Act or the specific legislative provisions and guidance relating to religious observance.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			The guidance is not considered to impact positively or negatively in relation to marriage and civil partnership.	The guidance does not provide advice in relation to marriage and civil partnership. This protected characteristic is not applicable to schools.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Yes. Positive impacts have been identified for young people with the protected characteristic of gender-reassignment. No negative impacts have been established due to the framing of the guidance.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>4</sup> ?	No. The guidance will benefit transgender young people. The guidance makes clear the need to consider the needs of all young people and is focussed towards supporting positive educational experiences for all young people including those who are transgender.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	
If not justified, what mitigating action will be undertaken?	

### Describing how Equality Impact analysis has shaped the policy making process

The EQIA has assisted in ensuring full understanding of the issues related to transgender young people, those who are lesbian, gay, bisexual and transgender and the matters which are specific to female and male pupils.

### Monitoring and Review

There have been significant developments in the recording and monitoring of bullying incidents in the last year, which will allow the monitoring of bullying incidents, including those arising from prejudice. This will serve as an evidence base which will enable us to understand from the perspective of bullying whether there has been any improvement in the experiences of young people.

We will also continue to engage with education authority, schools and 3<sup>rd</sup> sector partners to understand the implementation of the guidance in schools.

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<sup>4</sup> See EQIA – Setting the Scene for further information on the legislation.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for the 'Supporting Transgender Young People In Schools' guidance and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name:** Sam Anson

**Position:** DD: Improvement, Attainment and Wellbeing

**Authorisation date:** 4 November 2020



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