

Safe Schools Alliance UK

Our ref: **Reference Redacted**

Date: 5 July 2019

Your ref:

By email: info@safeschoolsallianceuk.org

Dear Safe Schools Alliance UK

Schools guidance on transgender children

Thank you for your letter of 24 June 2019 to **Recipient Names Redacted**, which requested information about our forthcoming guidance for schools on trans pupils. I have been asked to reply.

The Equality and Human Rights Commission is Great Britain's independent national equality body and human rights institution mandated by Parliament to encourage equality and diversity, eliminate unlawful discrimination and protect and promote the human rights of everyone in Britain.

To help us do this, we have a range of powers. These include providing advice and guidance, publishing information, undertaking research and bringing and supporting legal cases to challenge discrimination and clarify the law.

In September 2016, our legal team undertook a scoping exercise to identify issues of discrimination best resolved using our legal powers.

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This involved meeting a wide range of stakeholders, spanning a range of issues and interests. Mermaids was among the many organisations we engaged with to identify strategic legal issues and cases.

In light of concerns that schools had insufficient guidance on how equality law applies to their treatment of trans pupils, in November 2017 the Commission decided to produce guidance for schools clarifying their responsibilities under the Equality Act 2010 in relation to trans and other pupils.

In developing the guidance, we have consulted a wide range of stakeholders with diverse views and concerns. These include parents, women's rights advocates, children's rights groups, trade unions, the education sector, medical experts and trans groups.

Our aim is to provide clarity for schools on how the law applies and how to balance the rights and needs of all pupils, teachers and, where appropriate, parents. We have carefully considered the impact on people sharing different protected characteristics and sought to provide a balanced, practical and inclusive approach for schools to follow. The guidance is currently being tested with teachers and head teachers to ensure it is clear and meets their needs.

The Commission is committed to being transparent and will produce an Equality Impact Assessment and a list of stakeholders we have consulted, where their permission has been given, alongside the guidance when it is published. We are aiming for publication after the summer.

In addition to guidance for schools on trans pupils, we are also working on guidance on separate- and single-sex services and spaces. This will provide clarity to service providers and users on their legal

responsibilities and rights in relation to the inclusion of trans people. I am enclosing link below, for your information, of our recent statement on the protected characteristics of sex and gender reassignment, which you

may also find helpful in understanding the legal position on these matters.

<https://www.equalityhumanrights.com/en/our-work/news/our-statement-sex-and-gender-reassignment-legal-protections-and-language>

I hope the information above is of assistance.

Yours sincerely

Signatory Redacted