

THE VALE OF GLAMORGAN COUNCIL

CABINET: 25TH JANUARY, 2024

REFERENCE FROM CORPORATE PERFORMANCE AND RESOURCES
SCRUTINY COMMITTEE: 17TH JANUARY, 2024

“ DRAFT TRANSGENDER INCLUSION TOOLKIT AND GUIDANCE
DOCUMENT FOR SCHOOLS AND OTHER SETTINGS (REF) –

The reference from Learning and Culture Scrutiny Committee held on 11th January, 2024 was presented by the Safeguarding Officer, supported by the ALN and Wellbeing Transformation Adviser. The purpose of the appended report was to advise of the findings of the consultation on the revised Vale of Glamorgan Council's Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings (“the Toolkit”) and for Committee to refer their comments and recommendations back to Cabinet for consideration and determination. Key points referred to were:

- There were 591 responses to the online survey. Just over 50% of responses were from parents. There were around 100 responses to the survey from pupils and schools-based staff, which represents 18% of respondents, in addition to face-to-face engagement with these groups.
- There was significant support for the Toolkit from the majority of schools' staff and pupils who were of the opinion that the guidance was vital in order to build inclusive and safe environments for young people, although teachers raised concerns about having to address the medical matters related to gender transitioning. Officers explained that the Toolkit had been revised as a result of these concerns and medical matters were to be referred to health professionals. Also, due to the length and detail involved with the Toolkit, the suggestion given was for an easy-to-understand document or a young person infographic to accompany the main Toolkit. Officers confirmed that this task would be undertaken once the document had been agreed and young people would be involved in creating this.
- There were a number of parents who were fundamentally opposed to the toolkit on the basis that they did not believe it to be the role of schools to teach children and young people about relationships and sexuality as this should be the role of parents. Some parents were also concerned that the Toolkit should not be used in teaching primary aged pupils as they were considered too young to be exposed to such content.
- It was stressed that the Toolkit was not a teaching resource, rather a guidance document for staff working in schools to assist them in supporting pupils identifying as trans or gender variant. It was not a resource to teach pupils of any age about relationships and sexuality.

- The Toolkit stressed the need for schools to take a “case by case” approach when making decisions within this area, in order to take an impartial, flexible and ‘watch and wait’ approach due to the potential impact of ‘social transitioning’ on the relevant child or young person, as well as mitigating the risks of the decision-making process being challenged. As part of this, parents would also be involved in this process. Officers explained that these were major revisions which had been made in responses to the consultation feedback.

Following the presentation of the reference and report, the following questions and comments were raised in the Committee meeting:

- Councillor Carroll queried why the comments, which formed part of the consultation process, had not been included in the report. It was explained that due to the nature of some of the comments made, and following legal advice, it would not be appropriate to share these in the report or in public, due to their potentially offensive or extreme nature. Subsequently discussions were had at the meeting as to how to share these publicly, i.e. the redaction of the relevant areas in order to remove illegal or clearly offensive content etc. but it was decided to recommend that this information be shared with Committee Members privately and securely instead. The Committee were also advised that the vast majority of comments from parents were not offensive or extreme, and the majority were not against the Toolkit and it did try to address their concerns, with parents’ comments having been considered and taken into account. The Councillor stressed that the majority of the parents and constituents had well founded and legitimate views and concerns and he could not endorse the Toolkit in its present form.
- On Councillor Hanks’ query on the implementation of an all-Wales version of this guidance, it was explained that this could be out to consultation in Spring 2024 but there was no indication of a final publication date for the document. It was further explained that the Vale of Glamorgan Guidance would be published in January / February 2024 subject to Cabinet approval. Once the Welsh Government (WG) had published their version of the Transgender inclusion guidance, the Council would look to adopt this as appropriate.
- Councillor Dr. Johnson supported the new Toolkit as a guidance document and he felt that it had taken in the necessary changes and revisions i.e. taking on board an ‘easy read’ version of the Toolkit and collaboration with both parents and children concerned, but pointed out the absence of the Corporate Parenting Panel as a stakeholder in the documentation and the importance of having a list or table outlining the changes between the previous and new Toolkits (Appendices A and B of the original report) to be appended to the latest version of the Toolkit and to make it clear what changes had been made. He also commented on the potential issues that may arise with the Council adopting the WG guidance when it had just adopted its own guidance on this topic, as well as highlighting the higher adult response compared to that of younger persons in the consultation. In response to these queries, it was explained that the stakeholder status of the Corporate Parenting Panel would be added to the Toolkit. However, officers did not believe it would be achievable to include a comprehensive list of changes as requested, due to

the sheer volume of amendments made over the 9-month period since the consultation was completed. Officers further emphasised that the main changes made to the Toolkit were highlighted in the Cabinet report. On the numbers of respondents, although it was disappointing to see a lower proportion of younger individual respondents on the consultation, this had been offset by engagement with the School Council Network and equalities groups.

- Councillor Loveluck-Edwards stressed the importance of having this guide to support teachers and pupils around transitioning by providing a consistent approach and framework. It would be a living document which would further develop over time and it was critical to have this in place now.
- Councillor Haines suggested that all religious groups be consulted as stakeholders in future consultations. It was explained that there had been engagement with the Catholic diocese and Church Schools due to the prevalence of the Catholic and Church schools in the Vale. Officers also stated that equalities groups had participated in the consultation via the Vale of Glamorgan Council Equalities Consultative Forum. The Councillor also raised concerns around the accessibility of this guidance to children and young people, which suggested it was a resource not just a guide. It was stressed this was a guide not a teaching resource. Therefore, it needed to be open and accessible to both teachers and pupils. The guide would ensure that each risk assessment around issues pertinent to gender transitioning i.e. single sex facilities, would be based on the specific circumstances and not on a 'broad strokes' approach.
- The Vice-Chair referred to the Relationships and Sexuality Education (RSE) Code which was a form of guidance that schools could turn to only when needed and was accessible to all parties who informed the decision-making process. Pupils and school council networks supported the Toolkit and appreciated the legal constraints that schools worked under, with further help being provided to pupils transitioning by networks set up by pupils within schools. He also highlighted that although parents were 'split' in their opinions on the Toolkit, they largely agreed on the need for an approach to ensure the safety of pupils and that schools should operate effectively in the light of such challenges.

Scrutiny Committee, having considered the reference, appended report and all the issues and implications contained therein,

RECOMMENDED –

(1) T H A T the content of the consultation responses, the revised Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings (“the Toolkit”); the Equalities Impact Assessment, and the reference from Learning and Culture Scrutiny Committee be noted.

(2) T H A T the following comments be referred to Cabinet together with the Report, appendices and reference from Learning and Culture Scrutiny Committee, for their consideration:

- That a list or table outlining the changes between the previous and new toolkits (appendices A and B of the original report) be included with the latest version.
- That consideration be given to Members of the Committee having confidential and secure access to the comments made as part of the consultation on the Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings by consultees.
- The need to place greater emphasis on the toolkit as being a guide rather than a teaching or pupil resource.
- Consideration to be given for future consultations on the toolkit for various religious groups to be engaged with this process and to encourage further responses from both adults and children.

Reasons for recommendations

(1) Having regard to the contents of the reference and report, as well as the discussions at the meeting.

(2) In order that Cabinet considers the report, the views of this Committee, the comments made by the Learning and Culture Scrutiny Committee and noting that the matter had also been considered by the members of the Corporate Parenting Panel.”