



# Guidance for children and young people's services on the inclusion of transgender including non-binary young people

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HAPPY TO TRANSLATE

## Contents

Introduction .....	3
Background.....	4
What the law says.....	5
The building blocks for supporting young people .....	6
Useful resources .....	17
Glossary .....	19

## Introduction

A number of services have approached us asking about how they can best support transgender including non-binary young people. This guidance aims to support care services for children and young people to enhance the inclusion of transgender including non-binary young people. We have based this document on current best practice guidance, referred to throughout this guidance and detailed in the 'useful references' section at the end. We will update it as and when available guidance changes.

## Acknowledgements

We would like to thank LGBT Youth Scotland for their support developing this guidance and we are very thankful to the young people and services who took the time to share their experiences with us. This guidance has been informed by their input and lived experience. To protect young people's anonymity, we have not named the services we refer to as examples in this guidance.

## Definitions

There is a glossary of terms we use at the end of this guidance.



## Background

LGBT Youth Scotland's [Life in Scotland for LGBT Young People Report](#) presented the results of a 2022 survey of LGBT young people aged 13-25. It highlighted the significance of LGBT related matters for care experienced young people, showing that 8% of participants were care experienced.

It revealed that 7% of survey participants who came out to their families left home under negative circumstances, with 6% experiencing homelessness, and 1% becoming care experienced. For trans young people, 10% left home under negative circumstances, and 2% became care experienced.

LGBT Youth Scotland's [Recommendations for the Care Sector](#) was based on peer research, which found that:

- only 52% of people had felt able to come out in a care setting, and many of those said their experience of coming out in care was negative
- LGBT young people felt that care staff often didn't have the knowledge to support them
- LGBT young people's privacy was not always respected in care settings;
- LGBT young people had experienced homophobic, biphobic or transphobic bullying in a significant number of care settings.

In LGBT Youth Scotland's [Life in Scotland for LGBT Young People Report](#), 38% of participants identified as neurodivergent but this varied between transgender and cisgender participants. Only 25% of cis participants identified as neurodivergent, compared to 52% of trans participants. This has relevance for care services as children with disabilities (including neurodivergent and autistic young people) are often [care experienced](#). Autistic people have an increased [gender variance rate](#), of [over seven times](#) that of the general population, meaning they are more likely to identify as [transgender, including non-binary](#).

## What the law says

This guidance is framed within the context of the [Equality Act 2010](#) which places specific requirements upon providers to prevent unlawful discrimination in relation to the protected characteristics of:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Recent years have seen an increasing focus on human rights, with the impending incorporation of the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) into Scots law, and associated commencement of the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill.

With this in mind, all young people:

- should be protected from discrimination, harm and abuse
- should be involved in all decisions affecting them, understand any action which is taken and why; and be at the centre of any decision making
- have the right to an identity and for this to be respected
- have the right to a private life.

Providers have a duty to act in a way that is compatible with human rights protected under the [European Convention of Human Rights \(ECHR\)](#). As set out in the [Health and Social Care Standards](#) all young people should experience:

- dignity and respect
- compassion
- inclusion
- responsive care and support
- wellbeing.

Health and Social Care Standard 1.1 states:



I am accepted and valued whatever my needs, ability, gender, age, faith, mental health status, race, background or sexual orientation.”

## The building blocks for supporting young people

### Leadership sets the culture

Visibility and culture are important for an inclusive environment. A welcoming culture that values everyone can make a difference in people developing a sense of belonging.

It is important to be proactive in developing an inclusive culture and practice. Creating a safe space for young people can mean that they feel safe in sharing personal information with others, and this may include coming out.

Keep in mind that additional support may be required for neurodiverse young people or those with disabilities. Where young people have several protected characteristics, these should be taken into account when planning to meet their needs. You can read more about planning in our [Guide for providers on personal planning: children and young people](#).

Here are some ideas to enhance LGBT visibility.

- Display posters, such as [this one](#) designed by LGBT Youth Scotland or [these ones](#) from Stonewall.
- Think about other ways to increase LGBT visibility, such as staff wearing rainbow lanyards.
- Celebrate LGBT events in your service, such as Pride, Trans Awareness Week, or [Purple Friday](#) (an annual fundraising day for LGBT Youth Scotland).
- Display books and DVDs that represent the LGBT community, as part of your house bookshelves.
- Display LGBT information on noticeboards, such as contact details for:
  - [LGBT Youth Commission on Trans Rights](#)
  - [LGBT+ Youth in Care](#)
  - [LGBT Youth Scotland](#)
  - [Stonewall Young Futures](#).

A trans young person living in a care home for children and young people shared an example of how their identity was validated:



There was one time, I specifically remember walking in there one day, and one of the staff members decided it would be a nice surprise just to sellotape little trans flags to the walls, and it just made my day. It kinda made me feel a lot more heard, just having the pride flag that I identify with being put in a space as a surprise... it just warmed my heart."

## Creating an inclusive environment

The physical design of the environment, particularly in services with shared bathrooms and bedrooms, is an important consideration. The Equality and Human Rights Commission's (EHRC) [Technical Guidance for Schools in Scotland](#) (1.26) summarises the following exceptions.

- Mixed schools with single-sex boarding are allowed to offer boarding to only one sex.
- Residential schools are permitted in some circumstances to restrict access to communal accommodation based on sex or gender reassignment.

However, it notes that proportionate steps should be taken to help young people overcome disadvantages they experience as a result of a protected characteristic. [Supporting Transgender Pupils In Schools](#) recommends that:

- a transgender young person should not be made to use the toilet or bedroom of their sex assigned at birth
- some transgender young people may not be comfortable using a single-sex toilet or bedroom that matches their gender identity, and providing a gender-neutral space may be the best alternative.

We support these recommendations, and suggest that discussions with young people and robust risk assessment should inform individualised approaches for each young person. You can read more about our expectations for the environment in [Care Homes for Children and Young People - The Design Guide](#).

**A trans young person living in a care home for children and young people told us about the importance of the physical environment:**



One thing that does really work well is we all have our own individual bathrooms [ensuites]. That's really saved me a lot of times. It means you don't have to worry, you don't have to come downstairs, get a shower and rush back upstairs... I have a lot of privacy. Staff always knock, I keep my room locked and they know don't open the door unless I say so. I have the opportunity to say 'no, don't come in'. Even when I'm out, they don't go in my room. I like my own space. The privacy is amazing in here. Personally I just want to keep all my trans memorabilia to myself, like my BLÅHAJ shark!"

An inclusive culture will take appropriate account of the wishes, rights and needs of all young people, including transgender young people as the following examples show.

- If a transgender young person wants to share a room with other young people who share their gender identity, they should be able to do so as long as the rights of, and risks to, all those involved are considered and respected. If any young person, including a transgender young person, is concerned about sharing a room with others, consider making alternative arrangements including giving them their own bedroom where appropriate and feasible.
- If bathrooms are communal, single-cubicle or private washing facilities would be preferable to communal showers. Consider working out a rota so that young people can wash in private if they want to.

The provision of gendered facilities such as toilets is social convention. There is no law in Scotland about this. In the community, there is increasing provision of gender neutral facilities, which enhances accessibility. When considering the use of facilities:

- ask the young person about the facilities they wish to use and if they have any concerns
- respect the young person's gender identity
- create a plan with the young person, showing what can happen and when.

Risk assessments can be useful for thinking about how best to keep young people and others safe. It is important that the young person is involved in determining the risks and how to mitigate these, if possible.

**We heard from a trans young person living in a care home for children and young people about the importance for them of being able to have pets in their environment:**



They're almost like guide guinea pigs in a way; they're very, very helpful when it comes to gender dysphoria or just feeling like I'm absolutely mentally collapsing. Whenever I'm stressing out in my room, the guinea pigs seem to clock on to that... They seem to know, they seem to pick up on my body language. Being allowed to have small animals in the house and have them in my room, not in a communal space, really, really helps. And it's just nice to have someone to talk to in your room... Me and my two guinea pigs; that's my family."



## Confident and competent staff

We heard from a care home service for children and young people about their learning from one of their young people's transition journeys:



Supporting trans young people to progress in their aspirations and goals within residential child care takes dedication and understanding. Staff need training on how to manage the unmanageable in relation to the young person's feelings, wellbeing, mental health and the external agencies that we rely on to respond to queries and requests. We found our internal supports such as group supervisions were invaluable in helping us to work out what do next to best support the young person. They gave us opportunities to discuss any issues at the time and ensure these were resolved quickly, with everyone coming together to suggest options and other supports available. We are exceptionally proud of the young person and staff team, of just how well they have managed the many hurdles they have faced together and of the wonderful outcomes the young person has been able to achieve at the appropriate times for him."

It is important that staff understand there are different ways to transition from one gender to another. This can include dressing differently, changing name, changing pronouns, medically transitioning or changing sex characteristics. Prior to puberty, transitioning is limited to changing name, pronouns and gender expression. See LGBT Youth Scotland's [Trans Non-Binary and Questioning Coming Out Guide](#) for more on this. Consider training for staff, to help them feel more confident with getting it right.

A trans young person living in a care home for children and young people told us about the difference a supportive staff team can make:



The staff are quite understanding here. They've given me a lot of emotional support around the struggles of being trans. Like sometimes, when gender dysphoria is really, really bad, I can go to the staff and quite a lot of them are usually quite helpful about it. I can sit down and have a chat with them, or we can try and find something to do. We can go out for a drive. It's really quite supportive. They also help me out a lot with my physical appearance, especially my keyworker, she has been absolutely wonderful."

It can be helpful for staff to be aware of sources of additional support for young people. To seek medical assistance to transition for young people, a referral can be made to [Sandyford Gender Service](#). They can support young people to explore appropriate options and provide access to a range of different supports. The [Age of Legal Capacity \(Scotland\) Act 1991](#) recognises that a young person aged 12 and over is presumed to have sufficient capacity to make decisions about medical treatment, although we recognise this will not always be the case.

A care home service for children and young people told us about some of the challenges in one of their young people's transition journeys:



The long process to get his name changed and receive identity documents put blocks and holds on simple tasks such as enrolling in education, opening a bank account, applying for a Young Scot card and receiving funding for work or education due to differences in birth name and gender. Delays were particularly prominent during the pandemic when the young person was 16 years of age and began to require the above necessities to start his adult life. This often left him feeling hopeless and engaging in more distressed behaviours as a way to cope with the disappointment and frustration."

It may also be useful for staff to understand legislation in this area. Since 2004, trans people over the age of 18 have had the right to legally change their gender by applying for a [Gender Recognition Certificate \(GRC\)](#), as a result of the [Gender Recognition Act 2004](#). However, people can live in their acquired gender without gaining a GRC. The [Gender Recognition Reform \(Scotland\) Bill](#) aims to simplify the system by which transgender people can apply for legal recognition of their gender, and reduce the minimum age to 16, although this legislation is not yet in force and may be amended.

We heard from a care home service for children and young people who have supported one of their young people through his transition to have chest reconstruction surgery:



This decision required a lot of support and guidance from the staff team and medical professionals to ensure this was right for him. It required close aftercare including some adaptations to the service for his recovery period, including him being able to choose a staff member to stay with him at the hospital and hotel afterwards for a few nights.”



## Supporting young people in coming out

If a young person makes the decision to come out, consider all of these points.

- Remember you may be the first person they have told, and that they are looking for an adult to listen and be supportive.
- Coming out is beneficial for young people's wellbeing, as it allows them to talk about how they feel and access support if required.
- Don't feel that you need to be an expert.
- Thank them for trusting you.
- Ask what support they need and don't make assumptions.
- Don't dismiss what they tell you, deny their identity or tell them they are 'confused' or 'it's just a phase'.
- Ask what name and pronoun you should use to address them – check if that's all the time or in certain circumstances.
- Before you share the information with the wider staff team, ask the young person if you can share the information and with whom. This information will be highly sensitive for young people. Giving them some control over how it is shared is empowering as well as protecting their safety, as it may not be safe for them to be out to everyone.
- Ask the young person if they are happy for the information to be documented. Consider how you will record this information in a way that protects their confidentiality. Privacy and confidentiality are very important, as young people may worry about professionals disclosing their gender identity to others or taking action which they have not agreed to.

We heard from a care home service for children and young people who told us they have maintained confidentiality for one of their young people, who has chosen not to tell other young people that he has a trans history:



This wish has been respected by the staff team, which has allowed the young person to be his true self without judgement and establish meaningful relationships. This has helped the young person to establish his own identity that he now feels comfortable with. He is now more able to engage in the community and make connections that he was unable to previously. This in turn has helped him on his road to independence, with his newfound confidence and self-esteem.”

You can read more about coming out in LGBT Youth Scotland's [Trans Non-Binary and Questioning Coming Out Guide](#).

## The language we use matters

A trans young person living in a care home for children and young people told us about the lack of LGBT awareness amongst staff:



I have had to explain a lot of trans stuff to the staff here... Mostly just difficulties with terminology... There's a lot of confusion, like I have a male trans friend, and the staff get the idea that it's actually just a female friend. And that can lead to some confusion... I came out to the staff as lesbian and that raised some confusion. Some staff, when I said that I'm gay, they thought that I liked guys, and some thought that I liked girls, because I said the word gay instead of lesbian. That was tricky to explain... I personally just use **sapphic**."

Inclusive LGBT practice uses language that is inclusive. Consider training for staff to help them feel more confident with getting it right.

- Use gender-inclusive language, such as 'come on everybody' instead of 'come on boys and girls'.
- Provide opportunities for young people to say their pronouns, for example by staff introducing themselves with their own pronouns.
- Respect and use young people's pronouns and preferred names – remember these might change over time.
- Never make assumptions – if you're not sure, ask the person.
- If you make a mistake (using the wrong pronoun or name), apologise and move on.
- Think about how you can support other young people, friends, and family members to be inclusive – remember they might find it difficult if a young person's gender identity, preferred name, and pronouns change over time.

A care home service for children and young people told us about how they have supported one of their young people through his transition to maintain links with his family who were unsure about his decision to transition:



Staff have done this in a constructive manner by being supportive of the young person's needs – ensuring regular communication and supporting family visits where the young person felt more comfortable."

You can read more about pronouns in [Top Tips for Trans Inclusion in Youth Work Spaces](#).

## Thinking about the paperwork

As well as asking about sex and sexual orientation, ask about pronouns and different gender identity options on personal plans and other paperwork, for example by using:

- male (including trans men)
- female (including trans women)
- non-binary
- prefer to self-describe.

Include a space on personal plans and other paperwork for young people's preferred name (this may be different to the name used on official documents). Anyone can change their name informally, providing it is not for a criminal purpose. A young person over the age of 16 can also officially record their change of name at the [National Records of Scotland](#), however they are not required to do this.

A care home service for children and young people told us how they have supported one of their young people through his transition to change his birth name to his preferred name on all documents such as his passport, provisional driving licence, and birth certificate:



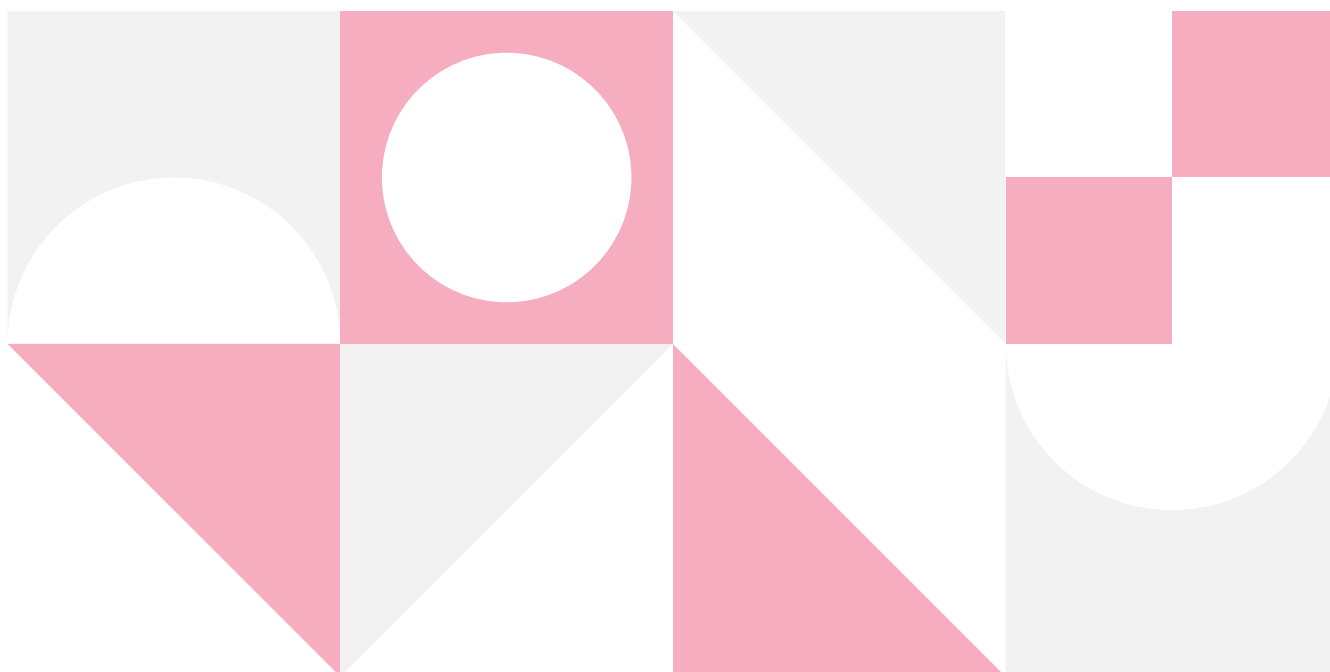
Staff supported him to access statements from relevant professionals to enable him to enrol in college and work with confidence; something that he felt unable to do previously.”

- Ensure your policies and procedures support inclusive practice.
- Equality policies are helpful in framing your organisation's approach to inclusion.
- For secure services, search procedures are appropriately individualised for all young people to take account of a range of diverse characteristics, including gender reassignment. This should be done in conversation with the young person involved.
- Transphobic bullying is accounted for in your anti-bullying and protection procedures. You can read more about what anti-bullying policies should include in [Respect for All](#).
- Consider developing specific guidance about how your service can best support gender diverse people through everyday practices.

We heard from a trans young person living in a care home for children and young people about the significance of normalising everyday experiences:



One of the other really nice things that the staff do, is not making too big of a deal when I try new things, or when I can't be bothered. Say I was to come down and I haven't done my voice training in the morning coz I really couldn't be bothered and I'm just having an off day; they don't make too big of a deal of my deep voice. I remember one day I was wanting to try a more casualised style, so I tried some leggings. They didn't make a big deal of it; that was the first time they'd ever seen me in leggings, but they didn't make a big deal of it. And I really appreciated that! They don't make a big deal of anything unless they know that I'd be comfortable with it. I don't know if they know, but that means a big deal to me. Everything that they do really means a lot."



## Challenging bullying and stereotyping

Challenging discrimination, stereotypes, and bullying behaviours is important to develop and sustain a safe space for young people. You can learn more about the impact of this on LGBT young people in [Recommendations for the Care Sector](#).

We heard from a trans young person living in a care home for children and young people about the difficulties of living with other young people:



Majority of the time it's okay; mostly I just keep to myself. Sometimes it does get a little tricky. Sometimes when things get heated in the house, it will usually take the form of them suddenly not being okay with me being trans around here. Never with the staff, the staff are wonderful in here. But with the young people it can sometimes get a little bit wobbly."

You can read more about approaches to bullying in [Respect for All](#) and [Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales](#).

Ensure young people are aware of, and can access, information like [Kidscape](#), and helplines like [ChildLine](#) or [EACH](#) (for children experiencing homophobic, biphobic or transphobic bullying or harassment)



## Useful resources

[Age of Legal Capacity \(Scotland\) Act 1991](#)

[Care Homes for Children and Young People – The Design Guide](#)

[Children’s Social Work Statistics 2020/21](#)

[Equality Act 2010](#)

[European Convention of Human Rights \(ECHR\)](#)

[Gender Recognition Act 2004](#)

[Gender Recognition Certificate \(GRC\)](#)

[Gender Recognition Reform \(Scotland\) Bill](#)

[Gender Variance Among Youth with Autism Spectrum Disorders: A Retrospective Chart Review \(Janssen, Huang & Duncan, 2016\)](#)

[Guide for providers on personal planning: children and young people](#)

[Health and Social Care Standards](#)

[Increased Gender Variance in Autism Spectrum Disorders and Attention Deficit Hyperactivity Disorder \(Strang et al, 2014\)](#)

[Life in Scotland for LGBT Young People Report](#)

[LGBT Youth Commission on Trans Rights](#)

[LGBT+ Youth in Care](#)

[LGBT Youth Scotland](#)

[LGBT Youth Scotland Poster](#)

[LGBTYS Recommendations for the Care Sector](#)

[National Records of Scotland](#)

[Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales](#)

[Quirky Citizens: Autism, Gender, and Reimagining Disability \(Bumiller, 2008\)](#)

[Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People](#)

[Sandyford Gender Service](#)

[Stonewall Young Futures](#)

[Stonewall's List of LGBTQ+ terms.](#)

[Supporting Transgender Pupils In Schools](#)

[Technical Guidance for Schools in Scotland](#)

[Top Tips for Trans Inclusion in Youth Work Spaces](#)

[Trans Non-Binary and Questioning Coming Out Guide](#)

[United Nations Convention on the Rights of the Child \(UNCRC\)](#)



## Glossary

The descriptions used here have been taken from Stonewall's (an organisation that stands for LGBT people everywhere) [List of LGBTQ+ terms](#).

### **Cisgender or Cis**

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

### **Coming out**

When a person first tells someone/others about their orientation and/or gender identity.

### **Deadnaming**

Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

### **Gender**

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

### **Gender dysphoria**

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned 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.

### **Gender identity**

A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

### **Gender reassignment**

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.

### **Gender Recognition Certificate (GRC)**

This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

**Intersex**

A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

**LGBTQ+**

The acronym for lesbian, gay, bi, trans, queer, questioning and so on.

**Non-binary**

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

**Outed**

When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

**Person with a trans history**

Someone who identifies as male or female or as a man or woman but was assigned the opposite sex at birth. This is increasingly used by people to acknowledge a trans past.

**Passing**

If someone is regarded, at a glance, to be a cisgender man or cisgender woman. Cisgender refers to someone whose gender identity matches the sex they were 'assigned' at birth. This might include physical gender cues (hair or clothing) and/or behaviour which is historically or culturally associated with a particular gender.

**Pronoun**

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

**Questioning**

The process of exploring your own sexual orientation and/or gender identity.

**Sex**

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions.

**Trans**

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

**Transgender man**

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

**Transgender woman**

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

**Transitioning**

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some, this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

**Transphobia**

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

**Transsexual**

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

## Headquarters

Care Inspectorate  
Compass House  
11 Riverside Drive  
Dundee  
DD1 4NY  
Tel: 01382 207100  
Fax: 01382 207289

Website: [www.careinspectorate.com](http://www.careinspectorate.com)

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