



March 2023

SOCIAL TRANSITION

*A summary of the most recent advice for
schools*

Version 2

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A Summary of the Most Recent Advice for Schools

What is social transition?

A request to change name and pronouns in line with a cross-sex or non-binary identity by changing school records and asking third parties to use the new name and pronouns. Social transition may also include requests to wear uniform and use facilities designated for the opposite sex. This is sometimes referred to as the 'gender affirmation' approach.

Advice for schools considering requests for social transition

The Department for Education has promised a consultation on new guidance for schools in 2023. In the meantime, school policies should draw on the latest advice from the NHS, the statutory safeguarding framework, and an understanding of their legal obligations. This document summarises the key information in each of those areas and provides a brief background to help put the guidance in context.

What does the NHS say about social transition?

The interim NHS Cass Review describes social transition as “an active intervention because it may have significant effects on the child or young person in terms of their psychological functioning. There are different views on the benefits versus the harms of early social transition. Whatever position one takes, it is important to acknowledge that it is not a neutral act, and better information is needed about outcomes.”¹ This statement reflects the view that social transition is a complex psychosocial intervention with potentially far-reaching consequences.

New draft guidance was published by NHS England in 2022 for public consultation, which makes plain the risks and unknowns involved in social transition:

- For prepubertal children: be “mindful of the risks of an inappropriate gender transition and the difficulties that the child may experience in returning to

¹ <https://cass.independent-review.uk/publications/interim-report/>

the original gender role upon entering puberty if the gender incongruence does not persist into adolescence.”²

- For adolescents: “social transition should only be considered where the approach is necessary for the alleviation of, or prevention of, clinically significant distress or significant impairment in social functioning and the young person is able to fully comprehend the implications of affirming a social transition.”³

When considering the best choice for a child, the interim Cass Review emphasises that “some children and young people will remain fluid in their gender identity up to early to mid-20s, so there is a limit as to how much certainty one can achieve in late teens” and suggests “parents and carers play a huge role and are instrumental in helping young people to keep open their developmental opportunities.”

Statutory safeguarding framework and parental involvement

The statutory guidance *Keeping Children Safe in Education* states with regard to confidentiality or anonymity “parents or carers should normally be informed (unless this would put the victim at greater risk)”⁴. A parent who questions or opposes a child’s social transition is acting in line with the NHSE draft guidance cited above. As such, this approach does not constitute a risk to the child.

Speaking to MPs in November 2022, Ofsted’s chief inspector Amanda Spielman said “if their child is having serious questions or doubts or explorations of gender identity, to keep parents in the dark about that is obviously a safeguarding risk.”⁵

Government guidance on the Children Act states “A key principle of the 1989 Act is that children are best looked after within their families, with their parents playing a full part in their lives, unless compulsory intervention in family life is necessary ... where compulsory intervention in the family is necessary it should, where possible, support rather than undermine the parental role.”⁶

September 2020 guidance from DfE Planning your relationships, sex and health curriculum states: “You should work together with parents on any decisions

²

https://www.engage.england.nhs.uk/specialised-commissioning/gender-dysphoria-services/user_uploads/b1937-ii-specialist-service-for-children-and-young-people-with-gender-dysphoria-1.pdf

³

https://www.engage.england.nhs.uk/specialised-commissioning/gender-dysphoria-services/user_uploads/b1937-ii-interim-service-specification-for-specialist-gender-dysphoria-services-for-children-and-young-people-22.pdf

⁴ shorturl.at/gmDI6

⁵ <https://committees.parliament.uk/oralevidence/11604/html/>

⁶ shorturl.at/cdoyN

regarding your school's treatment of their child, in line with the school's safeguarding policy and the statutory guidance on [working together to safeguard children](#).⁷ Although this safeguarding advice applies to curriculum content, it is reasonable to expect similar parental involvement in pastoral decisions regarding a child.

Legal advice for schools

The most up-to-date legal advice for schools is from August 2022⁸, when the Attorney General clarified a school's obligations under the Equality Act 2010: "It can be lawful for schools to refuse to use the preferred opposite-sex pronouns of a child. This does not necessarily constitute direct discrimination on grounds of sex, particularly if unsupported by the child's parents or by medical advice. Nor is it necessarily indirect discrimination on grounds of gender reassignment where a school has considered and can justify the approach. [...] Furthermore, schools and teachers who socially transition a child without the knowledge or consent of parents or without medical advice increase their exposure to a negligence claim for breach of their duty of care to that child."

Background context for this guidance

Over the last decade, there has been a rapid rise in referrals⁹ to the NHS gender service. This accelerated around 2014-2015 with another big increase in referrals following the pandemic. The biggest rise has been for females aged 12-17.

⁷ <https://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum>

⁸ "Equalities and rights: Conflict and the need for clarity - GOV.UK." 10 Aug. 2022, <https://www.gov.uk/government/speeches/equalities-and-rights-conflict-and-the-need-for-clarity>. Accessed 3 Mar. 2023.

⁹ Source of graph: <https://segm.org/>

Child and Adolescent Referrals for Gender Dysphoria United Kingdom (GIDS)

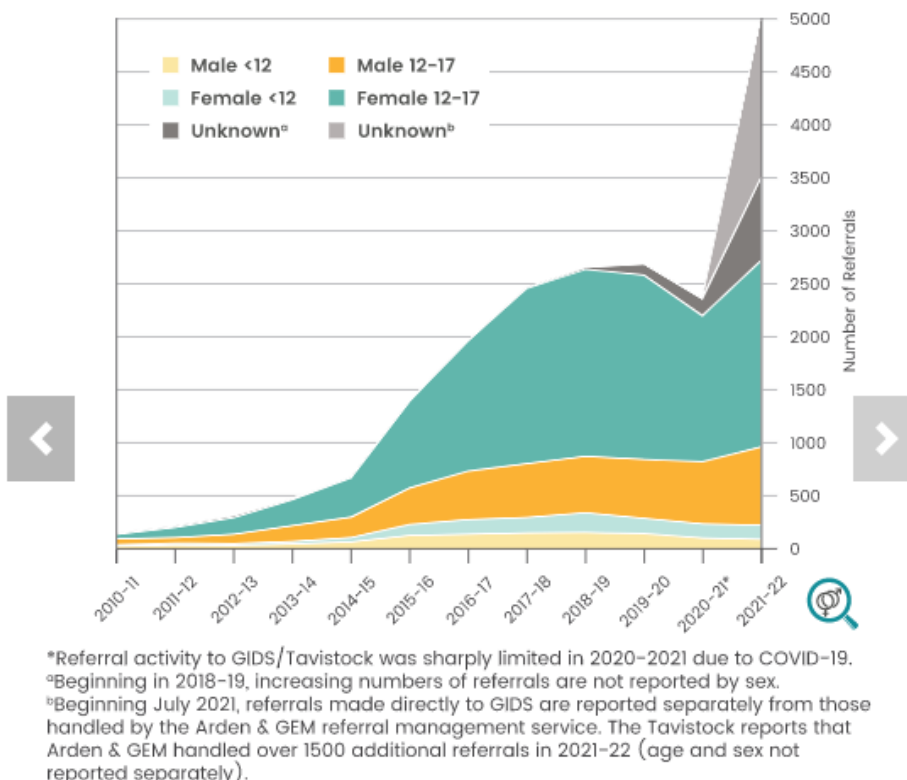
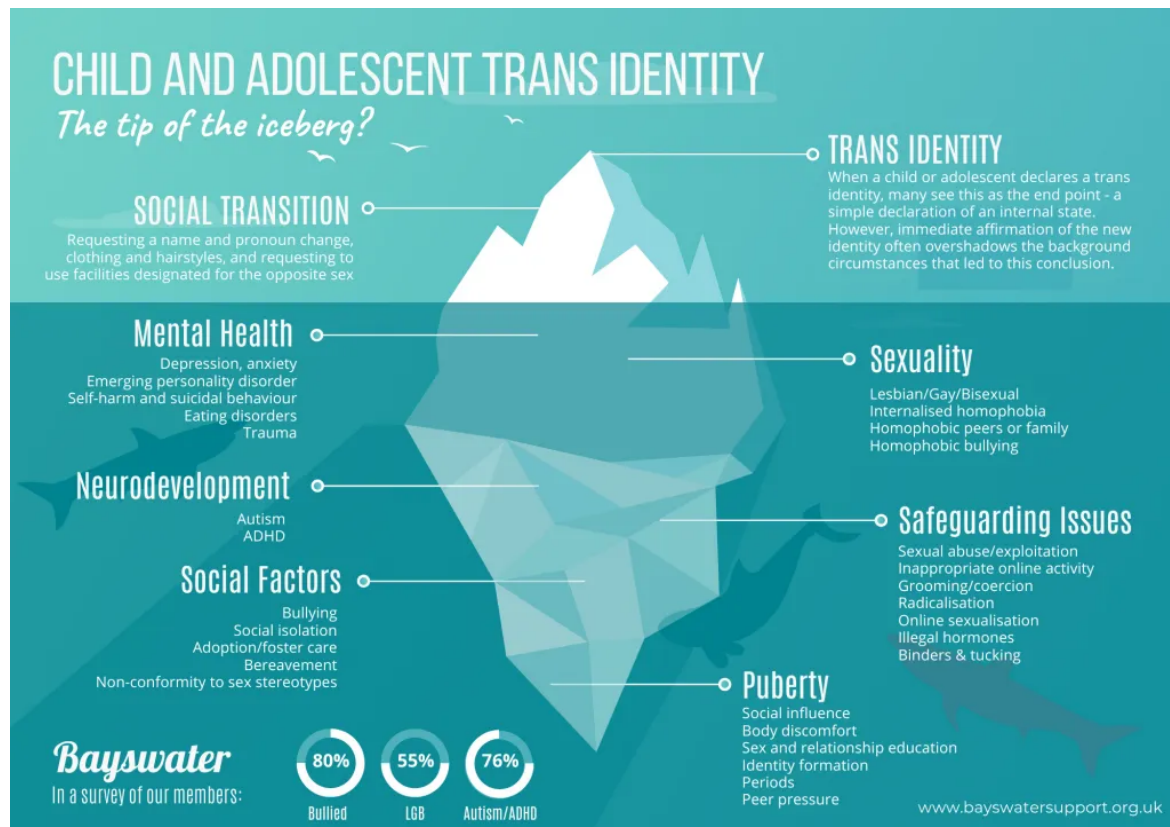


Image credit: SEGM.org

We currently have limited data on outcomes for these children¹⁰. This uncertainty and disagreement over what the interim Cass Review describes as “potentially irreversible treatments” with an “inconclusive” evidence base makes it extremely challenging to decide how best to support these children and young people.

In addition, many of those referred to NHS gender services have complex needs. Schools need to understand that a trans identity may mask other issues that require support or could constitute a safeguarding risk for the student. Social transition is a complex and consequential intervention that requires careful consideration in order to ensure the child’s best interests are protected.

¹⁰ Cass Review “At present we have the least information for the largest group of patients – birth-registered females first presenting in early teen years. Since the rapid increase in this group began around 2015, they will not reach late 20s for another 5+ years, which would be the best time to assess longer-term wellbeing.”



Further Reading

Detailed safeguarding guide for schools:

<https://www.bayswatersupport.org.uk/safeguarding-our-new-guide/>

A summary of the implications of the Interim Cass Review for schools:

<https://www.bayswatersupport.org.uk/the-cass-review-interim-report-the-significance-for-schools/>