



The law in supporting LGBTQ+ young people in Schools and college

Schools have a legal duty to meet the needs of all trans and non-binary young people. Lesbian, Gay, Bisexual, Transgender and all those who fall into gender and sexuality minorities have specific rights under the law which schools should comply with.

Who is and isn't protected?

The **Equality Act 2010** protects people from discrimination on the basis of a number of characteristics including:

Sex	Sexual Orientation	Gender Reassignment
<p>This means you cannot discriminate against someone on the basis of them being male, female, or intersex.</p> <p>There are some limited permitted exemptions.</p> <p>Guidance to the limited situations where this may be applied are given in "Services, Public Functions and Associations: Statutory Code of Practice" (EHRC, 2011)</p>	<p>This covers any sexual orientation e.g. gay / bi / pan / asexual.</p> <p>Specific sexual behaviour is not covered by the act.</p> <p><i>e.g. You would be protected from discrimination on the basis of being gay, but not due to having a foot fetish.</i></p>	<p>Gender reassignment protections cover anyone who proposes to, has started or has completed a process to change gender.</p> <p>There is no requirement to have undergone any medical or surgical procedures, or obtained a GRC (Gender Recognition Certificate) to be protected under this category.</p> <p>There is no explicit protection under the act for non-binary people, but schools and colleges will want to act to safeguard and include all members of their communities.</p>

Note: All of the above protections apply to **actual or perceived** characteristics.

E.g. If you discriminated against someone on the grounds that you thought they were gay, it would not matter if they are actually gay or not, they would still be protected.

Considerations

Names and Pronouns

A young person does not need to go through a 'legal' process to be known by their preferred name and pronoun at school or college. Schools and colleges should update their records to reflect a young person's preferred name and use this in class registers. The 'preferred to be known' option can be used in your school information management system.

However, exam certificates and formal school records cannot be changed unless a young person has changed their name by deed poll. Any person can evidence a change of name by deed poll, parental consent is required for under 16s.

Uniform

For best practice, schools with school uniform should allow young people access to all uniform items, regardless of gender. If there are different uniforms or dress codes dependent on gender, students should be able to wear the uniform items that they feel reflect their gender.

Toilets and changing rooms

It is a legal requirement that a trans young person can (not must) use the toilets and changing rooms of their gender identity rather than of their assigned sex. Schools and colleges should support trans young people to do this as well as to use gender neutral facilities or a private space if that is what they prefer. Always ask the young person.

Residential trips (In the UK)

Trans young people are able to sleep in the room of their self-identified gender, or in a gender neutral dorm or private space, whatever would make them feel more comfortable. There is no need to consult or inform parents or carers.



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Parent/Guardian

Every effort should be made to work with a young person's parent/guardian but although a parent/guardian's consent is desirable it is not needed when supporting a young person. Schools must adhere to the Equality Act and act in the best interest of the child and their needs.

Safeguarding

Being LGBT+ in itself is not a safeguarding matter. Each school may have their own policies around supporting LGBT+ young people and specifically on gender identity. SAYiT's guidance of best practise would be that if the student has Gillick competence* they do not need parental consent for schools to make the appropriate changes to support that student. Confidential information must not be shared even with the parents and carers without the child or young person's permission unless there are safeguarding reasons for doing so.

*Assessment of Gillick competency is a method to see whether or not a child is capable of giving necessary consent dependent on the young persons maturity and understanding of the situation.

Best Practice

It is important to recognise that the law has some way to go in offering full legal protection from discrimination, especially for non-binary and/or intersex people who currently have minimal legal recognition or protection. In terms of best practice for working with LGBT+ people (as with other groups) they should be approached from a perspective of respect, inclusion and reasonable adjustment where necessary, rather than legal minimums.

How SAYiT can support you

Staff Training	Parent and Carers group
School staff need to be provided with training which will develop confidence in understanding gender, their responsibilities and terminology. A range of staff training can be provided by SAYiT.	Many parents and carers of a young person who are LGBT+ will be supportive but this is not always the case. Parents and carers of LGBT+ young people can be referred to SAYiT's Parent and Carers group.
Schools work	SAYiT youth group
The curriculum in your school should be used to raise awareness of issues around gender identity and sexuality, the implications of discrimination and prejudice and to celebrate LGBT+ people. SAYiT can run classroom sessions and assemblies around gender and sexuality or we can support you to deliver your own. LGBT+ awareness should link into all subjects.	SAYiT runs two groups for LGBT+ or questioning young people under the age of 18 called Fruitbowl. We meet in a central location on a Thursday evening. Prism is for LGBT+ young people aged 18-25. We meet monthly on a Wednesday.

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