**[Name of school]**

**[ADDRESS]**

**[Copy also sent to [name of Local Authority]]**

**[DATE]**

**Private and confidential**

Dear **[name of Head-teacher and/or child’s teacher and/or and/or Designated Safeguarding Lead]**

**[My/Our]** child, [**name][dob][pronouns, if appropriate]**, is in [**class/form/year**] at [**name of** **school**]. **[I am/we are]** their **[describe your relationship to the child].**

As you are aware**, [Name of child]** is **[transgender/gender exploring/gender questioning etc – add as much detail here as appropriate.]**.

**Background**

[[**Name of child**], with **[my/our]** support / **[I/we]**, on behalf of [**name of child**]] [**has/have**] recently requested that… **[State the request as simply as possible – what is the school being asked to do?** *e.g. [name of child] has asked that teachers and peers use the pronouns she/her rather than he/him.***]**

In response to this request, the school has currently decided [**describe the decision in response to your request, include dates, method and reasons** *e.g. during a phone call on 9 January 2024 between X and Y, I was told by [name] that [name of child] is not allowed to participate with the boys during PE because you would be worried about his safety, as a trans boy*].

**[My/Our] concern(s)**

**[Describe your concerns in more detail. Try and be as specific as possible including conduct, dates, decisions, reasons provided to date and individuals involved.]**

**[I/we]** are concerned that the decision will **[describe the possible impact on the welfare of the child, if relevant].**

**Use of guidance**

**[IF APPLICABLE: [I am/we are]** concerned that in coming to the above decision, **[name of school]** has prematurely relied on the draft, non-statutory Department for Education guidance regarding ‘Gender Questioning Children’ (“the Draft Guidance”). Please note that the Draft Guidance is currently out for consultation and is not a finalised version. It is difficult to see how the school can therefore currently rely on it in any capacity.[[1]](#footnote-1)**]**

**[I/We]** can appreciate that this is a complex area of school policy and law and that **[name of school]** will therefore naturally look to authoritative guidance to assist it in making decisions. However, **[name of school]** needs to be mindful that any guidance, (statutory or non-statutory) in this area does not override its obligations it owes to **[name of child]** as a matter of law.

**The Equality Act 2010**

You are reminded that the Equality Act protects pupils from discrimination and harassment based on ‘protected characteristics’. The protected characteristics under the schools provision of services include ‘gender reassignment’ (section 7).

Paragraphs 5.113-5.116 of the Equality and Human Rights Commission’s *Technical guidance for schools in England September 2023[[2]](#footnote-2)* states:

*“Gender reassignment means proposing to undergo, undergoing or having undergone a process to reassign a person’s sex…*

*To be protected from gender reassignment discrimination, a person does not need to have undergone any medical treatment or surgery to change from their birth sex to their preferred gender…*

*A person can be at any stage in the transition process, from proposing to reassign sex, undergoing a process of reassignment, or having completed it. It does not matter whether or not a person has applied for or obtained a Gender Recognition Certificate, which is the legal document that enables trans people aged 18 and over to have their acquired gender recognised as their legal sex…*

*A child can have the protected characteristic of gender reassignment.”*

The Equality and Human Rights Commission’s guidance 2023 at 1.14 also reminds schools that it is unlawful for a school to discriminate against an applicant or pupil in relation to:

* Admissions
* The provision of education
* Access to any benefit, facility or service
* Exclusions
* Any other detriment

The EHRC guidance states that it is also unlawful for a school to harass or victimise an applicant or pupil.

**Safeguarding**

You are reminded of your duties as a school to safeguard your pupils and to improve their welfare. Please have regard to the statutory guidance “*Keeping Children Safe in Education 2023*”.

**Data protection**

This letter includes special category data. Please ensure you process it in line with your data protection duties and confirm who has had sight of this letter and how it has been processed within your response.

**Action that the school is expected to take**

**[My/our]** request and the circumstance of **[name of child]** must be considered in its own right, on its own facts. This letter aims to help set out the request in more detail to assist the school in ensuring it acts in accordance with their legal obligations. **[I/we]** also want to better understand the reasons for any final decision the school makes.

Having read this letter, please confirm your decision in writing. Should your decision remain as that described above, we respectfully ask that:

1. You provide full reasons including how your decision safeguards and promotes the welfare of **[name of child];**
2. Any copies of guidance and internal policies relied on; and
3. Confirm that any action relating to the decision is delayed to allow for a period of meaningful consultation between **[me/us] and relevant representatives at the school].**

Should the school’s position have changed, we ask that this is put in writing, together with reasons and copies of all guidance and internal policies the school relies on to come to its decision.

**[IF APPLICABLE: [We/I]** have sent a copy of this letter to our Local Authority, [**name of Local Authority**] so they are aware of **[our/my]** concerns].

**[We/I]** would be grateful if you would respond to this letter by **[DATE]** and look forward to hearing from you.

Yours **[sincerely/faithfully]**

**Xxxxxxxxxxxxxx**

**[Contact details]**

1. [Gender questioning children: draft schools and colleges guidance - GOV.UK (www.gov.uk)](https://www.gov.uk/government/consultations/gender-questioning-children-draft-schools-and-colleges-guidance) [↑](#footnote-ref-1)
2. [Technical guidance for schools in England | EHRC (equalityhumanrights.com)](https://www.equalityhumanrights.com/equality/equality-act-2010/technical-guidance-schools-england) [↑](#footnote-ref-2)