



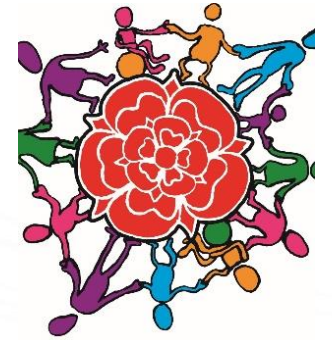
# Personal Development – recent guidance regarding the statutory elements and the consultation on gender questioning children

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Lancashire  
Equality Mark



# Welcome and Introductions

Roxana Sardais

Jen Macdonald

- Professional discourse is encouraged this evening.
- Please maintain confidentiality if you are discussing any examples.
- We are aware that there may be varying views within the room.
- The topics we will discuss may appear contentious so please respect the views of everybody.
- As educators, we are held account to professional standards which require us to remain impartial and distance our personal/political views.
- As governors, we are bound by the Nolan Principles to be objective in our role and take decisions impartially.



# Session 1 Outline:

- Putting things into context.
- Defining terminology- is it easy to get right?
- Draft gender questioning consultation
- Group activity and discussion



# Putting it in context...

- The recently published guidance is draft only and under consultation until 12<sup>th</sup> March 2024.
- There has been wide-spread discussion about the content of the draft guidance and challenges which may question the legality of aspects of its implementation in schools.
- We are aware that schools within Lancashire are already supporting children around this topic and are doing so in different ways.
- This is a time for thought and consideration but there is no requirement to act or change policies in your school immediately.



# DRAFT GENDER QUESTIONING CONSULTATION

- [Guidance for Schools and Colleges: Gender Questioning Children - Department for Education - Citizen Space](#)
- [Gender Questioning Children - non-statutory guidance \(education.gov.uk\)](#)



## Gender Questioning Children

Non-statutory guidance for schools and  
colleges in England

Draft for consultation

December 2023

# Summary of Key Points

- Refers to “gender questioning” rather than “Transgender children”
- “There is no general duty to allow a child to socially transition”
- Agreeing to socially transition including change of pronouns and names is a significant decision and should be very rare in primary schools
- “no teacher or pupil should be compelled to use these preferred pronouns and it should not prevent teachers from referring to children collectively as ‘girls’ or ‘boys,’ even in the presence of a child that has been allowed to change their pronouns”



# Summary of Key Points

- *“Schools must always protect single-sex spaces with regards to toilets, showers and changing rooms.”*
- *“All children should use the toilets, showers and changing facilities designated to their biological sex unless it would cause them distress”*
- Trans children who feel uncomfortable using the toilets of their birth sex should be provided with separate facilities



# Summary of Key Points

- Resists social transition in schools without consulting parents
- “Schools must record a child’s legal name in the admissions register.”  
They may allow pupils to change their informal (‘known as’) name if they believe it is in the best interests of the child to do so. Having fully consulted with the child’s parents, schools and colleges can allow a child to change the name by which they are known”





# Protected characteristics

- Disability
- Race and ethnicity
- Sex
- Gender reassignment
- Marital status
- Maternity & pregnancy
- Religion & belief
- Sexual orientation
- Age



‘What characterises good practice in promoting respect on the basis of sex, sexual orientation and gender reassignment?’

Research commentary: teaching about sex, sexual orientation and gender reassignment (Ofsted, 2021)

<https://www.gov.uk/government/speeches/research-commentary-teaching-about-sex-sexual-orientation-and-gender-reassignment>



- “Teaching about matters related to sex and gender stereotypes, sexual orientations and sometimes gender reassignment was often planned and integrated across the curriculum.”
- “.... Helps pupils who do not conform to gender stereotypes, including some LGBT pupils”

**Research commentary: teaching about sex, sexual orientation and gender reassignment (Ofsted, 2021)**

**<https://www.gov.uk/government/speeches/research-commentary-teaching-about-sex-sexual-orientation-and-gender-reassignment>**



# Sex and Gender Stereotypes

- male and female roles across societies and time
- changing sex and gender roles, for example parents choosing to take shared parental leave
- women's rights and the women's suffrage movement
- important women across academic disciplines and professions
- domestic violence
- healthy relationships
- sexist language
- In some schools, pupils were also taught about specifically male mental health problems and peer pressure. This addresses misconceptions, such as that 'boys don't cry', or helps boys avoid harmful stereotypical behaviours dictated by their peer groups.



# Building a whole school/college ethos that is positive and inclusive.

## Possible Governor Questions:

How does your school use the curriculum to develop positive attitudes to girls and boys, but also to break down fixed stereotypes about gender?

- Breaking down narrow and limiting stereotypes about girls and boys helps every child and widens the life experiences and ambitions of all pupils/students

How does your school address any prejudiced-based behaviour in your college or school?

- It is important to track patterns and see how these are responded to effectively.





# Let's talk toilets!



[All public buildings to have separate male and female toilets - GOV.UK  
\(www.gov.uk\)](http://www.gov.uk)



# Welcome Back

## Session 2 Outline:

- Wider personal development- what is being looked for?
- Statutory RHSE
- PSHE Consultations
- Policy
- Governor Role
- Statutory Equality Duty
- Further training



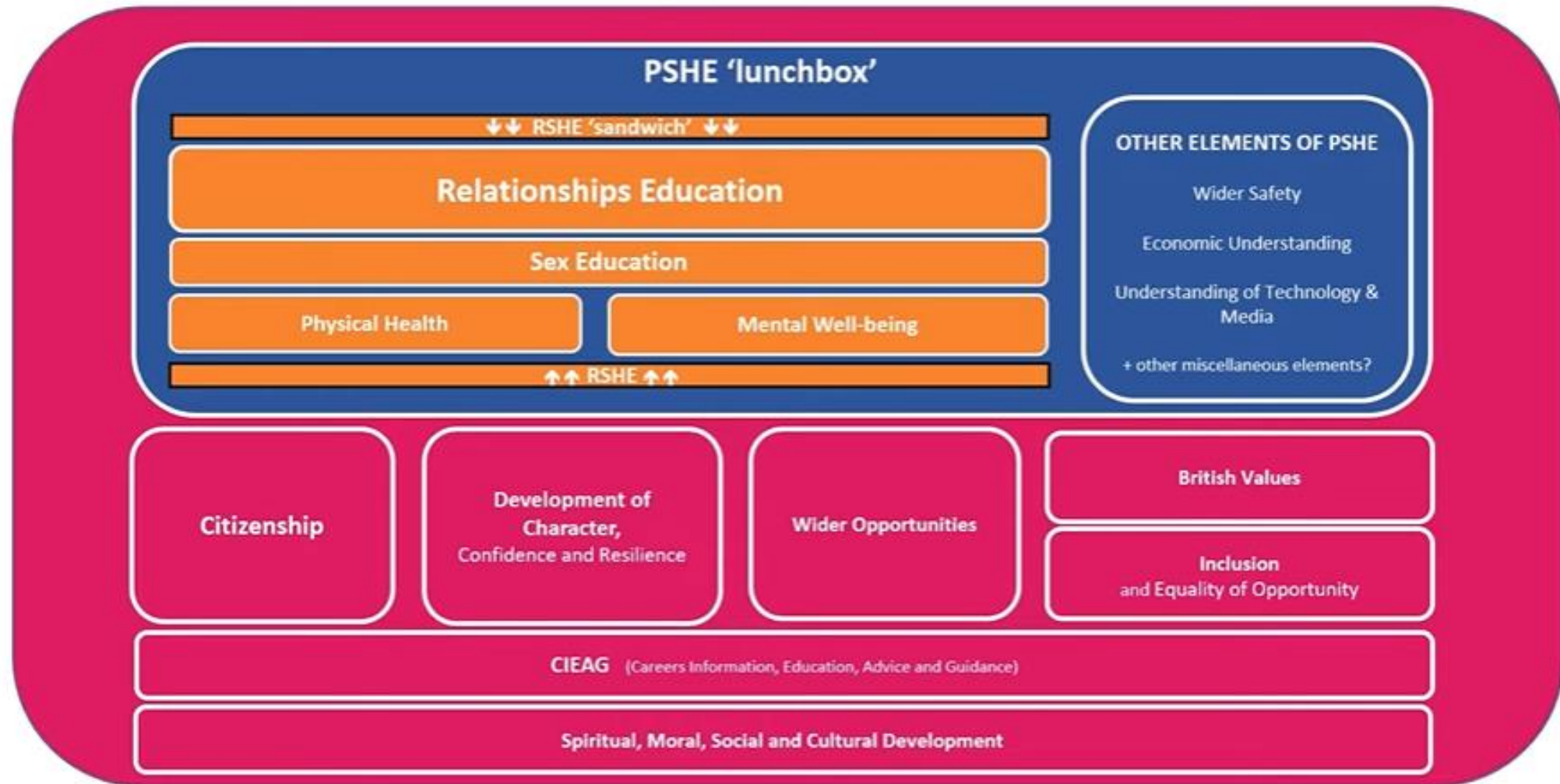


# OFSTED: Personal Development

- PSHE education, including RSHE, will be inspected under **Personal Development** - this means PSHE education will **always be looked at during inspections**.
- Quality of education - deep-dives may only occur in **Alternative provision, PRUs, SEND schools** (Independent schools).
- Other than in exceptional circumstances, schools are not judged 'good' overall unless their personal development programme is 'good'.
- Inspectors are receiving training in what good practice in PSHE education looks like.



# The elements of Personal Development



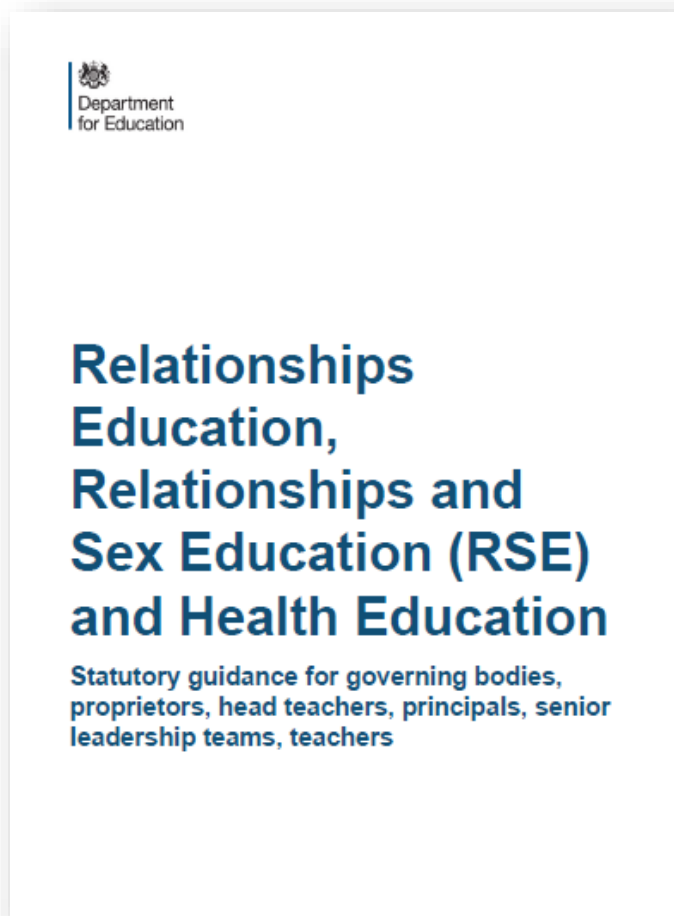
# What do schools have to teach?

## **Relationships education:**

All primary schools, including academies, free schools and independent schools

## **RSE:**

All secondary schools, including academies, free schools and independent schools



## **Health education:**

All primary and secondary schools apart from independent schools (where PSHE is already compulsory).

Comprises physical health and mental wellbeing

# Consultation:

- Best practice is that as many stakeholders as possible should be included in the consultation.
- The policy should be shared with parents/carers and they should have the opportunity to express their views.
- Resources should be made available for viewing at the request of the parents ensuring full transparency for what is being taught.
- Policy should clearly outline what is being taught.
- It is recommended that consultations should be re-done every 2-3 years.



# Policy

## Developing a policy

13. All schools must have in place a written policy for Relationships Education and RSE. Schools must consult parents in developing and reviewing their policy. Schools should ensure that the policy meets the needs of pupils and parents and reflects the community they serve.

14. There are many excellent examples in which schools have established clear sex education policies in consultation with parents, governors and the wider community, and where they are already delivering effective programmes. Schools should build on that good work in adapting to these new requirements.

## What is required?

15. All schools must have an up-to-date policy, which is made available to parents and others. Schools must provide a copy of the policy free of charge to anyone who asks for one and should publish the policy on the school website<sup>8</sup>.

16. The policy should:

<b>Policies for mandatory subjects</b>		<b>Policy for non-mandatory subjects</b>
<b>For primary education<sup>9</sup></b>	<b>For secondary education</b>	<b>For primary schools that may choose to teach sex education</b>
Define Relationships Education	Define Relationships and Sex Education	Define any sex education they choose to teach other than that covered in the science curriculum.
Set out the subject content, how it is taught and who is responsible for teaching it.		
Describe how the subject is monitored and evaluated.		
Include information to clarify why parents <i>do not</i> have a right to withdraw their child.	Include information about a parent's right to request that their child be excused from sex education within RSE only.	Include information about a parent's right to request that their child be excused.



# Governor Role:

The board must ensure the following:

- All pupils make progress in achieving expected outcomes
- The subject is well led, effectively managed and well planned
- The provision that children receive is regularly and effectively monitored and evaluated



# Governor Role:

Continued:

- Information provided to parents about content is clear and there is transparency around the right to withdraw
- The subject is well resourced, staffed and timetabled in a way that they can be sure the school is statutorily compliant.
- Schools with a faith denomination have a wider responsibility to maintaining and developing the religious ethos of their school.



# Possible Governor Questions:

- ✓ Can you talk me through your policy and the consultation that took place with stakeholders?
- ✓ Talk me through your curriculum map and your decision to include the topics you have when you have.
- ✓ What does the 'right to withdraw' process in school?
- ✓ What position has the school taken on the teaching of sex education and why was this decision taken? (Primary)





# Teaching about different sexual orientations and gender reassignment

In primary:

Different types of families

Appropriate language to use for LGBT

Bullying, including homophobic, biphobic and transphobic,

Through diverse positive role models



# Teaching about different sexual orientations and gender reassignment

In secondary and colleges (building on work in primary schools):

The rights of LGBT people through time and history

Current national and international issues

Equality Act

How to accept themselves as who they are

How to support and have empathy for young people with different protected characteristics



# The Equality Act (2010)

## The Public Sector Equality Duty

The Equality Act brings together previous equality legislation into a single equality act. The Equality Act outlines general and specific duties.

Under the **general duty**, schools/colleges are required to have due regard for three objectives:

- Eliminate discrimination
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it , and
- Foster good relations across all characteristics.

Under the **specific duties**, schools/colleges are required to :

- **Publish equality information**
- **Set equality objectives**



# Equality and Diversity in Schools

[Details - Lancashire Professional Development Service](#)