

THE VALE OF GLAMORGAN COUNCIL

CORPORATE PERFORMANCE AND RESOURCES SCRUTINY COMMITTEE:  
17<sup>TH</sup> JANUARY, 2024

REFERENCE FROM LEARNING AND CULTURE SCRUTINY COMMITTEE:  
11<sup>TH</sup> JANUARY, 2024

“ DRAFT TRANSGENDER INCLUSION TOOLKIT AND GUIDANCE  
DOCUMENT FOR SCHOOLS AND OTHER SETTINGS (DLS) –

The item was presented by the Safeguarding Officer and David Davies, Wellbeing Transformation Adviser, who advised that the report and “Toolkit” had already been reported to Corporate Parenting Panel on 8<sup>th</sup> January, 2024, as reporting dates had changed since the production of the report

The purpose of the report was to advise Scrutiny Committee of the findings of the consultation on the revised Vale of Glamorgan Council’s Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings (“the Toolkit”) (attached at Appendix A to the report).

The Vale of Glamorgan Council’s Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings as currently published was approved by Cabinet on 30<sup>th</sup> April, 2018.

In recognising social, political and legal contexts and that these changed over time, more recently the Council had been progressing its review of its Toolkit having liaised with colleagues from both Welsh Government and other Local Authorities in England and elsewhere in Wales.

Following approval from Cabinet on January 19<sup>th</sup>, 2023, the Council undertook a consultation on its revised Toolkit. The consultation took place between 23<sup>rd</sup> January and 17<sup>th</sup> March, 2023.

On commencement of the consultation the Council withdrew the existing Toolkit but continued to work to safeguard all groups of pupils and students and provided support on a case-by-case basis with schools requesting additional support from the Council where necessary.

Since the conclusion of the consultation period, all responses had been subject to careful and considered evaluation and amendments made to the Toolkit. The responses had also been utilised to update the Equalities Impact Assessment.

The consultation responses and proposed amendments to the Toolkit were being reported back to the relevant Scrutiny Committees prior to the matter being referred back to Cabinet for further consideration and determination.

Following the presentation of the report Councillor Marshallsea advised that they were pleased to support the Toolkit, and remarked that it was straightforward and easy to read. They further advised that the Toolkit supported vulnerable young people, and that they were pleased that the teaching profession was being asked to use its professional judgement in this manner.

Dr. M. Price subsequently advised that he found the latest version of the Toolkit to be a great improvement on its previous incarnation, and a sensible means of approaching a sensitive and emotive subject. Dr. Price further advised that he understood that Welsh Government also intended to provide guidelines on this topic, which could produce a second set of additional guidelines. He further advised that there may be difficulties involving parents in discussion of the matters covered within the Toolkit, particularly around the preferences or wishes of the child or young person concerned. Dr. Price subsequently advised that overnight trips within school environments could add costs regarding the safety of facilities with regards to issues included in the Toolkit. He advised that overall he found this version of the Toolkit to be a great improvement on its predecessor.

In response, the ALN and Wellbeing Transformation Adviser advised that it was pleasing to see that significant progress had been made regarding the Toolkit, and that time had been taken in order to respond responsibly to the issues raised. They added that if and when Welsh Government published an all-Wales document, the Council would supersede to that document, rather than adopt a two-pronged approach based on two guidance documents.

The ALN and Wellbeing Transformation Adviser further advised, with regards to involving parents in matters covered within the Toolkit, that this was a challenging dilemma, and a significant decision for a young person to make, hence why officers were not comfortable with the idea of not involving parents in these discussions.

With regards to additional costs involved with school trip accommodation, the ALN and Wellbeing Transformation Adviser advised that such costs would need to be looked at, and not passed on to those with protected characteristics. They further advised that the issue of involving parents was more complex if there were safeguarding issues being raised, and if the child or young person discussing being transgender or gender-questioning would not expect to tell parents, and particularly if the child or young person did not wish for this to happen.

R. Goodjohn subsequently advised that he found the Toolkit to be a very good resource, that learners who identified as trans would benefit from. He further advised, however, that he was concerned regarding parental involvement; that privacy was very important; that those socially transitioning may not want their parents to be informed, and that this could be detrimental to their mental health.

The Safeguarding Officer subsequently clarified that the report and guidance stated that if there was a strong reason for concern, or if informing parents could be detrimental to the mental health of the child or young person, then the involvement of safeguarding professionals would be advised.

A. Emmerson subsequently advised that she would like to take the opportunity to come out in support of the Toolkit, as it increased understanding during a vital stage of young peoples' lives.

The Vice-Chair subsequently advised that they agreed with the handling of Gillick Competence within the report, and that they would like to move the recommendations within the report on-block.

The ALN and Wellbeing Transformation Adviser advised that training providers were currently being identified to provide training to sit alongside the Toolkit, due to the complexity of the issues involved.

The Cabinet Member for Education, Arts and the Welsh Language subsequently advised that they welcomed and endorsed all positive comments regarding the Toolkit, and thanked the officers involved in the lengthy process of producing it.

The Chair subsequently asked what efforts had been made to reach ethnic minorities and religious groups with the consultation process. The ALN and Wellbeing Transformation Adviser subsequently advised that they had met with representatives of the Catholic Church in Wales, for example, but that they had not found it appropriate to make additional efforts to reach ethnic minorities and religious groups, over and above other participants. They added that the consultation process had been ongoing for two months, providing plenty of opportunities for people to involve themselves and have a voice.

The Chair subsequently referred to the consultation responses contained within the report's appendices, and advised that the majority of parents disagreed with the Toolkit. The Chair highlighted the report's statement that some views of parents had been based on misinformation and misunderstanding. The Chair further queried whether this view was condescending towards parents. In response the ALN and Wellbeing Transformation Adviser advised that their view was that this was not an accurate reflection of the opinions of officers, and that a significant amount of parents' responses had been built into the new Toolkit. They added that a small minority of parents had raised ill- or misinformed views, and in some cases these bordered on being illegal. They added that officers highly valued the voice of parents in the decision-making process.

The Chair subsequently referred to paragraphs 2.37 and 2.38 in the report which covered the competing rights involved in the subject matter of the report, and asked Officers to provide their view on Safeguarding as the overriding responsibility with regards to the Toolkit and the Council's role in general. In response, the Safeguarding Officer advised that officers' safeguarding duties were required to cover all pupils, including those with protected characteristics. They added that this was informed by risk assessments that had been put in place.

Councillor Ewan Goodjohn subsequently advised that the report showed that more parents felt that the Toolkit was useful than did not; that more parents agreed with the Toolkit than did not, and that more parents found the Toolkit to be properly thought-out than did not. They advised, therefore, that it was unfair to state that the

Toolkit had been viewed negatively by parents. They added that the views of parents had been taken seriously into account and reflected within the Toolkit.

The Chair subsequently called for a vote on adding an additional fourth recommendation to those already set out within the report. A vote was cast via the Easy-Conference Hybrid Meeting Platform system and the Motion to add an additional fourth recommendation was carried, as per the recommendations below.

With no further comments or queries, Committee subsequently:

#### RECOMMENDED –

(1) T H A T the content of the consultation responses, the revised Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings (“the Toolkit”); and the Equalities Impact Assessment, be noted with any recommendations being referred to Cabinet for consideration.

(2) T H A T the report and appendices be referred to the Corporate Performance and Resources Scrutiny Committee for their consideration and comment, with any recommendations being referred back to Cabinet.

(3) T H A T Committee accepts that the report and appendices be considered by the Corporate Parenting Panel, and any comments be referred back to Cabinet.\*

(4) T H A T having regard to the above, the latest version of the Toolkit be endorsed by Committee.

#### Reasons for recommendations

(1) Having regard to the contents of the report and appendices, and to discussions at the meeting.

(2) In order to make the Corporate Performance and Resources Scrutiny Committee and Cabinet aware of the content of the item, and the views of this Committee.

(3) In order for Cabinet to receive any comments.

(4) Having regard to the content of the report and appendices, and to discussions at the meeting, and to reflect the Committee’s endorsement of the latest Draft Transgender Inclusion Toolkit and Guidance Document for Schools and Other Settings.”

**NB:** \* It being noted that the report had already been considered by the Corporate Parenting Panel on 8<sup>th</sup> January, 2024, where the report and appendices had been noted.