

Keeping Children Safe in Education 2026

Consultation Response Guide

Allsorts, The Kite Trust, and The Proud Trust are youth work organisations that have been supporting LGBTQ+ children and young people for decades. Over the years, we have worked with many schools and colleges to help them in their goal of becoming inclusive and positive spaces for LGBTQ+ young people.

However, we also know first-hand how unsafe and unwelcoming some schools and colleges can be for the children and young people we serve – it is organisations like ours that help children and families pick up the pieces.

Together, we are deeply concerned about the impact that the draft Keeping Children Safe in Education Guidance (KCSIE) 2026 will have on trans, non binary and gender diverse children and young people in schools and colleges if it is implemented as it is.

The draft KCSIE guidance being consulted upon [can be found here](#).

We have produced this document to support other organisations working with LGBTQ+ youth, parents, carers and young people themselves to respond to the consultation and share their views.

What is Keeping Children Safe in Education?

Keeping Children Safe in Education is statutory guidance to the Children Act 1989. It sets out the legal duties schools and colleges have to safeguard their students.

It applies to early years settings, schools and colleges in England and Wales, up to the age of eighteen.

Why does it matter?

Schools and colleges have to comply with Keeping Children Safe in Education, and they take this duty very seriously – as they should.

KSCIE is revised annually, then at the start of the school year staff in schools and colleges will be briefed on any changes and will implement them immediately.

About the consultation

On 12 February, the government opened a consultation on a draft of the 2026 Keeping Children Safe in Education. The consultation will close on 22nd April, and after considering the responses, the government will issue the new version of Keeping Children Safe in Education for the 2026/2027 school year.

Practical advice about completing this consultation

You can respond to this consultation using the online form [HERE](#). If the online form is inaccessible to you, you can also respond by writing a document and sending it in.

In this consultation, there are a wide range of questions that do not specifically address how schools and colleges support LGBTQ+ children. If you are an organisation or an individual that has expertise in this area and you wish to answer these questions, go for it! If you just want to respond to the proposed changes that impact trans, non binary and gender diverse children, then you can skip to the relevant questions (on page 13) by choosing options like 'no opinion.'

In the draft guidance, the sections on trans, non binary and gender diverse children are at paragraph 94-97 and 104-115. What follows is an overview of the key proposals in this section of the guidance, and some suggestions of themes you might want to reflect in your response.

Please make sure you share your own perspectives, feelings, and experiences, individual responses are the most likely to make a difference, and identical or very similar responses may be disregarded.

What does the consultation say about LGBTQ+ children and young people at school?

The draft guidance makes very significant proposed changes to how schools support trans, non binary and gender diverse children and young people in their settings.

It does not use the terms 'trans' or 'non binary.' Instead, it uses the term 'gender questioning'.

It closely reflects content in the draft 'Gender Questioning Children: Nonstatutory guidance for schools and colleges in England' that was published under the former Conservative government.

Key points you might want to make in your response:

- Trans and non binary children exist, as well as children who are exploring their gender and gender non-conforming children. Calling all of these children ‘gender questioning’ suggests that trans and nonbinary young people do not know their own identities, and risks creating cultures of disbelief and disrespect.
- Being able to come out at school and experience support and inclusion helps trans, non binary and gender diverse children thrive, personally and educationally. This guidance would end that, encouraging trans, non-binary and gender questioning young people to hide an important aspect of themselves and limit their ability to seek information or support from school or college. This forces young people to seek the information they require from other sources, which could potentially put them at greater risk of exploitation and other harms.
- Being trans or non binary is not in itself a safeguarding risk.
- Trans and non binary children do not present safeguarding risks to their cisgender peers.
- The guidance turns schools and colleges into gatekeepers of children and young people’s ability to come out and feel safe and included at school. This is wrong.
- Schools and colleges that refuse children and young people’s requests to socially transition may be undermining their right to an education.
- Schools and colleges that refuse children and young people’s requests to socially transition may be discriminating against them under the Equality Act 2010.

The following provides a breakdown of the individual questions in the consultation and gives some suggestions for how you may want to respond in a way that supports the rights and wellbeing of trans, non-binary and gender questioning young people in education.

Social transition (paragraph 245-275)

Question 33: Does the updated section of the guidance on children who are questioning their gender provide clarity about the considerations schools and colleges will need to take into account?

Select ‘No’

Share your views in the box titled ‘Please explain further’

The guidance includes a new section on considering requests to socially transition. It draws heavily on the draft ‘Gender Questioning Children Nonstatutory guidance for schools and colleges in England’ produced by the former Conservative Government.

There are some aspects of this section that are broadly positive for trans, non binary and gender diverse children and young people (and for children and young people as a whole). Other aspects of this section of the guidance are extremely concerning.

Finally, this section of the guidance is very confused and confusing. We’ve done our best to summarise the most significant points below, but please read this section of the draft guidance carefully, as you may want to respond to other aspects.

Positive

The guidance says that:

- Schools should take time to understand the thoughts and feelings of children and young people who want to socially transition;
- Schools should consider adopting policies that maintain flexibility and avoid rigid rules based on gender stereotypes;
- Schools and colleges should be respectful places where bullying is never tolerated;
- 'Gender questioning children' may be protected from discrimination under the Equality Act (under the protected characteristic of 'gender reassignment');
- Schools and colleges do not have to 'out' children and young people to parents when they share they are trans, non binary and gender diverse, or are exploring their gender.

Concerning

The guidance says that:

- The majority of 'gender questioning children' do not grow up to be trans or non binary.
- A child or young person asking to socially transition is or may be a safeguarding concern
- Children and young people who socially transition are or may be a safeguarding risk to their peers.
- Social transition should be seen by schools and colleges as 'an active intervention that may have significant effects on the child or young person in terms of their psychological functioning and longer-term outcomes'.
- Schools should not 'initiate any action' but should wait for a child or family member to make a formal request about social transition.
- Schools should consider the 'best interests' of other children at the same time as they consider the 'best interests' of the child asking to socially transition.
- Schools should consider input from a wide range of professionals, including 'clinical evidence or advice' when considering a request to socially transition.
- Primary aged children should 'very rarely' be allowed to come out and socially transition at school.
- There are very few (and possibly no) circumstances in which a child can be supported to socially transition at school or college without parent/carer involvement.
- Where children and young people do socially transition, children and adults in the school or college will be allowed to refuse to use the correct pronouns, instead using their name only. (It is unclear whether this refers to the young person's birth name or chosen name.)
- Agreement to support social transition can be revoked, based on perceived safeguarding concerns or on cost.
- Schools are required to record sex assigned at birth wherever sex is recorded.

In your response you could say:

- There are many positive benefits of children and young people being supported to socially transition at school and college (including a sense of inclusion and belonging, feeling safe, feeling respected, feeling more able to build friendships, better able to learn).
- Being trans or non binary is not a safeguarding risk, to the child or to their peers, and suggesting otherwise is potentially very harmful to trans, non binary and gender diverse students.
- Children and young people who have unsupportive and unsafe families should not be barred from socially transitioning at school.
- Children and young people should not be 'outed' to their family without consent, as this can damage relationships with family, school and other institutions
- It is important that trusted adults at school are able to discuss social transition as part of a wider conversation with children and young people who are exploring their gender.
- Social transition is not a clinical decision, but a personal one. It is about coming out to yourself and others, and changing social markers like name, pronouns, gender expression.
- Most children will not be in touch with the Gender Service (though some may be on its waiting list) so no 'clinical advice' will be available to schools in reality. This means that in practice, children would be barred from socially transitioning at school as the relevant 'clinical advice' would not be available.
- Allowing students and teachers to avoid using children and young people's pronouns will be othering, distressing, and cause significant harm.
- Preventing a child from socially transitioning is an intervention, and it is an intervention that can cause significant harm.
- Revoking permission to be treated as their lived gender at school would be devastating for a child or young person. It is difficult to understand how it could ever be justified given how distressing it would be, and the degree of risk it would expose children to. As acknowledged in the guidance itself, some children have only ever attended school in their lived gender and are not out as trans to their peers.

Toilets, changing rooms (paragraph 104-115)

Question 34: Do paragraphs 104-115 provide clarity for schools and colleges about their legal obligations relating to toilets, changing rooms, and boarding and residential accommodation?

Select 'No'

Share your views in the box labelled 'Please explain further'

The draft guidance includes a new section on 'regulations and safeguarding requirements relating to school premises'.

Toilets

The guidance says that:

- Schools must provide separate toilets for boys and girls over the age of eight, unless they have unisex toilets that are separate, lockable 'rooms'
- Schools must not allow trans children (of any age) to access toilets that reflect their lived gender.
- Colleges should apply the same approach as schools, even though they are not required to in law, as 'the same safeguarding considerations apply'.
- Schools should consider whether they can provide alternative facilities for trans children and young people. Any alternative facilities 'should not compromise the safety, comfort, privacy or dignity of the child, or of other children'.

In your response you could say: ● Outing children and young people to their

peers causes harm.

- Outing children and young people, and/or preventing them from using facilities that align with their lived gender, risks 'othering' trans, non binary and gender diverse children and young people, including by treating them as a safeguarding risk.
- This will damage the relationship between staff and trans students and reduce the likelihood that these students will have 'trusted adults' at school to disclose genuine safeguarding risks.
- This will increase the risk of bullying and harassment.
- This will increase the risk of students developing UTIs because they avoid using the toilet, something we know is already common in trans and non-binary students and causes harm to physical and mental health.
- This will increase the risk of students reducing their attendance at school or stopping coming to school or college altogether.
- Many schools and colleges will not have the resources to provide inclusive toilet facilities or alternative toilet facilities for trans and nonbinary children and young people. In these settings trans and nonbinary students may be asked to use the accessible toilet or teachers toilets, which is likely to be uncomfortable, and will risk spotlighting and outing these students.

Changing rooms and showers

The guidance introduces a new section on changing room and showers.

The guidance says:

- Schools must provide ‘suitable’ changing facilities for children and young people over the age of 11 (under the School Premises (England) Regulations 2012 and the Education (Independent School Standards) Regulations 2014).
- Schools must not allow trans children and young people to access changing rooms and showers that reflect their lived gender.
- Schools should consider whether they can provide alternative changing or showering facilities, for example a ‘fully enclosed room’ or using facilities at a different time to their peers.

In your response you could say:

- This will out trans, non binary and gender diverse children and young people to their peers, causing harm.
- This will spotlight trans, non binary and gender diverse children and young people, including making them more vulnerable by treating them as a safeguarding risk.
- This will damage the relationship between staff and trans students and reduce the likelihood that these students will have ‘trusted adults’ at school to disclose genuine safeguarding risks to.
- This will increase the risk of bullying and harassment.
- Even if an alternative is provided, being banned from using the facilities aligning with their lived gender will increase the risk of trans, non binary and gender diverse young people, who already face significant barriers to accessing the benefits of physical activity, further disengaging from PE and school sport.
- Many schools and colleges will not have the resources to provide inclusive changing facilities or alternative changing facilities for trans and non binary children and young people. In these settings, there is a risk that trans and non-binary students will effectively be excluded from PE and school sport.

Sports (paragraph 94-97)

Question 35: Do paragraphs 94-97 provide clarity for schools and colleges about the circumstances in which the school is justified in having a policy of single-sex sports?

Select ‘No’

Share your views in the box labelled ‘Please explain further’

The draft guidance includes a new section on trans, non binary and gender diverse children and young people’s participation in sports.

The guidance says:

- Some sports may need to be played separately from a certain age for safety reasons. Where schools separate boys and girls for safety reasons it must be based on sex assigned at birth and ‘there can be no exceptions’.

- Schools and colleges may have a policy of separating children and young people based on their sex assigned at birth if they are concerned about ‘fairness’.
- Where a trans or non binary child (referred to as ‘gender questioning’ in the guidance) wants to play in a team or group that reflects their lived gender, the school should consider this as part of the wider approach to considering requests to socially transition.

In your response you could say:

- Participation in physical activity is important for health and fitness, skills development, confidence and friendship. Trans and non binary children and young people deserve to get all of these benefits from school sports and PE.
- Trans and non binary children and young people already have low levels of participation in sports and physical activity. This will make the situation worse.
- There are many ways that school sports can be made inclusive and safe, including for contact sports like rugby, where tag rugby can be played as a mixed sport into adulthood.
- The guidance promotes school wide approaches that ‘maintain flexibility and avoid gender stereotyping’. This should apply to PE and sports as much as to other aspects of school and college life, with all students provided with the same opportunities to participate in sport and physical activity.

You should also consider talking about the negative impacts of exclusion from sports and PE:

- Outing trans children and young people to their peers puts them at risk of harm.
- Othering trans, non binary and gender diverse children and young people, including by treating them as a risk to their peers and singling them out to use specific facilities, puts them at risk of harm.
- Damaging the relationship of trust between staff and trans students reduces the likelihood that these students will have ‘trusted adults’ at school to disclose genuine safeguarding risks to.
- The suggestions set out in this section increase the risk of bullying and harassment.
- They also increase the risk of trans, non binary and gender diverse young people disengaging with PE and school sports.

Conclusion

If implemented as it is, we believe this guidance will make it far harder for trans, non binary and gender exploring children and young people to explore and understand their own identity, come out, and socially transition at school and college. Even where children and young people are allowed to socially transition, they will be at risk of being outed when they use the bathroom, when it's time for PE, or when they have teachers and classmates who choose not to respect them.

This draft of Keeping Children Safe in Education treats trans, non binary and gender diverse children and young people as safeguarding risks - to themselves and other students. There is no evidence to support this approach and significant evidence that trans, non binary and gender diverse children would benefit from positive guidance for schools and colleges that focuses on inclusion.

At Allsorts, The Kite Trust and The Proud Trust we believe this is wrong. Trans and non binary children and young people have the same right to be safe at school, to make friends and to learn as any other child.

We hope this response guidance has been helpful. Please do take the time to respond to this consultation and encourage others to do so.