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Assessment details

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Name Guidance for children and young people's services on the inclusion of transgender including non-binary young people August 2026

Organization Care Inspectorate

Description

Approver Jacqui Duncan

Respondent Charlotte Wilson, Jacqui Duncan, Kirsteen.Maclennan@careinspectorate.gov.scot (External)

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Assessment questions

1 General information

1.1 **Work to be assessed**

Response

Change to existing work

Justification

None

1.2 **Details of policy, process or initiative**

Response

This guidance aims to support care services for children and young people to enhance the inclusion of transgender including non-binary young people.

We originally developed the guidance because a number of services have approached us asking how they can best support transgender and non- binary young people. We have reviewed this guidance several times (for example, in light of the Cass Review in 2024, the Supreme Court ruling in April 2025, and the EHRC's Code of Practice in 2026) to ensure guidance was up to date.

We will continue to review this guidance as required.

2 Further details

2.1 **Please select the criteria which best relates to this work**

Response

Guidance for the sector

Justification

None

2.2 **Who will it affect?**

Response

Care service providers

Children and young people for whom we have corporate parenting responsibilities

People who use care services

Justification

None

2.3 **What is the aim?**

Response

To create guidance for providers that signposts them to legislation and best practice to enhance the inclusion of transgender including non-binary young people.

2.4 **Why is the change required?**

Response

We agreed to review in line with legislative changes and to take account of developments such as the Supreme Court ruling in April 2025, and the EHRC's Code of Practice in 2026, and to ensure all signposted links are up to date. It has also been broadened to apply to a wider range of service types for children and young people. The guidance will be reviewed on an ongoing basis as required.

2.5 **What outcomes do you want to achieve?**

Response

This guidance was developed following requests from care services for children and young people for us to provide guidance to help them support transgender (including non-binary) young people experiencing care. An outcome is to check that this guidance is being used and is helpful.

As is the case with all guidance, we review how it is being followed during our inspections.

2.6 **What barriers are there to achieving these outcomes?**

Response

There is a lot of fear of getting it wrong, and low levels of confidence in talking about such issues, there is also a lot of information out there that is quite complex and important legal differences between England and Scotland and also differences between social care and health care. The guidance references the debate which can feel quite polarising particularly with the recent Supreme Court ruling. Every day, while that debate continues, care staff must, and do, find ways of helping young people feel supported, loved, valued and respected.

2.7 **When is the change due to be implemented?**

Response

2026/08/24

2.8 **What other Care Inspectorate policies or projects may be linked to or affected by changes to this work?**

Response

Inspection/Scrutiny and Assurance Plan

Justification

None

3 Considering the available evidence

3.1 **Considering the available evidence**

The information you gather in this section will:

- *help you to understand the importance of your policy for different equality groups*
- *provide justification and an audit trail behind your decisions.*

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc.

Look at what existing evidence tells you about the experiences of people who share relevant equality characteristics, and/or what it tells you about their views of the work in question. Identify any gaps in the evidence base and set out how you will address these.

The attached document provides suggestions for where you might look for relevant evidence and feedback. It also contains a template you may wish to use when gathering evidence, to structure the different information from different sources, and your analysis. You can also find this document by searching 'evidence gathering' on the Intranet.

3.2 **Have you noticed any gaps in existing evidence/data? Did you want to gather evidence for something but the evidence was not there?**

Response

Yes

Justification

There are gaps in the evidence/ data. Most of the evidence is based on England/ health care. Our guidance signposts to the guidance/ laws for Scotland.

We are aware that there is currently a review underway by the Scottish government to reform and improve gender identity healthcare. We are working in social care settings, not healthcare but wanted to acknowledge the external environment that this guidance is operating in.

3.3 **Which equality characteristics have you gathered relevant evidence for?**

Response

Children and young people we have corporate parenting responsibility for

Age

Children's Rights (up to age 18 in line with the UNCRC)

Gender reassignment

Sexual orientation

Sex

Disability

Religion or belief

Justification

None

3.4 **Please include quantitative and qualitative evidence relating to age**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

We know that the Sandyford clinic in Glasgow said in April 2024 that new patients aged 16 or 17 would no longer receive other hormone treatments until they were 18 and that they have paused prescribing puberty blockers.

The EHRC said in April 2024 "We welcome the publication of the final Cass Review report.

"As Britain's equality regulator, the Equality and Human Rights Commission (EHRC) will carefully consider the evidence base, conclusions and recommendations of the independent review of gender identity services for children and young people. It represents a vital milestone and must result in far-reaching and timely reform to the provision of healthcare and other services by service providers, decision-makers and regulators.

"It is imperative that children and young people who are questioning their gender have access to support and care which is based on robust and reliable evidence which is verifiably objective.

"Those involved in the care and support of gender questioning children and young people must comply with principles of good professional practice and with their legal obligations, including those which protect children and young people from violations of their human rights.

"It is clear from Dr Cass's report that these basic safeguards for our children and young people have been overlooked in the field of gender medicine, and that this has disproportionately affected some of the most vulnerable children and young people in our society.

"Upholding rights in health and social care, and equality for children and young people, are both priorities for the EHRC. Children and young people should have equal opportunities, with equal access to evidence-based healthcare and the support and resources they need to succeed in life. Long waiting times or an inability to access the right advice and support for people questioning their gender are concerns we have raised directly with ministers.

"The Cass Review identifies multiple shortcomings that have existed in many areas. It also highlights the overall lack of support services and their uneven provision. These issues should be addressed.

"We urge all those working with, and providing services for, children and young people to urgently address themselves to the task of implementing Dr Cass's recommendations in full. They must work cooperatively and professionally to deliver the quality services that our children and young people deserve."

3.5 **What does the evidence tell you about the experiences of people of different ages in relation to this work?**

Response

The guidance has been developed to cover children and young people, this is a broad age range, and covers children prior to the age of puberty, and also adolescents. We know that LGBT care experienced young people's experiences have not always been positive.

3.6 **Please include quantitative and qualitative evidence relating to disability**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

The Cass Review recognised that the numbers of gender dysphoric (such as transgender and non-binary) young people have increased rapidly in recent years, for reasons that remain unclear. Amongst the gender incongruent population of young people, "there is a greater complexity of presentation with high levels of neurodiversity and/or co-occurring mental health issues and a higher prevalence than in the general population of adverse childhood experiences and looked after children" (p.26).

In LGBT Youth Scotland's Life in Scotland for LGBT Young People Report, 38% of participants identified as neurodivergent but this varied between transgender and cisgender participants. Only 25% of cis participants identified as neurodivergent, compared to 52% of trans participants. This has relevance for care services as children with disabilities (including neurodivergent and autistic young people) are often care experienced.

Autistic people have an increased gender variance rate, (Strang et al, 2014) of over seven times (Janssen et al, 2016) that of the general population, meaning they are more likely to identify as transgender, including non-binary (Bumiller, 2008).

3.7 **What does the evidence tell you about the experiences of disabled people in relation to this work?**

Response

The evidence from the Cass Review tells us that we need to consider Autism, Attention Deficit Hyperactivity Disorder (ADHD) and other Neurodevelopmental conditions. Mental health disorders including anxiety, depression, eating disorders, functional neurological disorder, Obsessive Compulsive Disorder (OCD) and Body Dysmorphic Disorder (BDD) are more common in autistic children and young people (González-Herrero et al., 2022; Lai et al., 2019). We also need to consider neurodiversity and trauma.

Our guidance states "Keep in mind that additional support may be required for neurodiverse young people or those with disabilities. Where young people have several protected characteristics, these should be taken into account when planning to meet their needs. You can read more about planning in our Guide for providers on personal planning: children and young people"

3.10 **Please include quantitative and qualitative evidence relating to sex**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

More adolescent females (assigned female at birth) were referred to the UK NHS Gender Identity Service (GIDS) in 2016. 1071 females, compared to 426 males.

3.11 **What does the evidence tell you about the experiences of people of different sexes in relation to this work?**

Response

More females (assigned at birth) are referred to GIDS.

Language is important, we have used affirmative, inclusive language in our guidance, however, it can be useful to refer to the two biological sexes (men and women) in some contexts. For example, when discussing single sex spaces. Our guidance references single sex schools, toilets, bedrooms, changing rooms dignity/ privacy. We signpost to other guidance.

3.12 **Please include quantitative and qualitative evidence relating to gender reassignment**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

We are aware that there are gaps in the evidence relating to the long term impact of young people transitioning. Most of the evidence is based on England/ health care. Our guidance signposts to the guidance/ laws for Scotland.

There is currently a review underway by the Scottish government to reform and improve gender identity healthcare. We are working in social care settings, not healthcare but wanted to acknowledge the external environment that this guidance is operating in. Therefore we take account of the Cass Review, SG schools guidance, EHRC guidance and codes of practice, and the Equality Act.

3.13 **What does the evidence tell you about the experiences of transgender people in relation to this work?**

Response

The evidence tells us that there is a need to have guidance for children and young people's services on the inclusion of transgender including non-binary young people as guidance changes/ reviews take place

3.14 **Please include quantitative and qualitative evidence relating to sexual orientation**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

The Cass review states " The relationship between sexuality and gender identity is complex and contested. A transgender identity does not determine an individual's sexuality. However, in the context of the Review, it is important to consider the relationship between sexual identity and gender identity given that sexuality contributes to a person's sense of identity, and both may be fluid during adolescence.

The Review has not been able to obtain recent data relating to the sexual orientation of the GIDS patient cohort. When asked, mixed responses were given by GIDS clinicians about the extent to which they explore sexuality with patients seen in the service, and this may reflect differences in practice.

In terms of narratives and case histories, the Review received several reports from parents of birth-registered females that their child had been through a period of trans identification before recognising that they were cisgender same-sex attracted. Similar narratives were heard from cisgender adults (some same sex-attracted and some heterosexual) regarding early experiences of gender-questioning.

Clinicians and parents reported that gay students are still being stigmatised and bullied in school and there is sometimes a perception that there is less validation for them than for trans pupils. However, the Review also heard multiple testimonies attesting that having a diverse gender identity is a difficult path with young people subjected to bullying and abuse.

It is widely accepted that exposure to sexuality is happening at a younger age. The impact of this on young people's understanding of their sexuality and/or gender identity is unclear.

In some strictly religious cultures, being transgender is seen as preferable to being same-sex attracted as it is then perceived as a physical rather than a psychological issue.

It is common in adolescence to experience same-sex attraction and not to conform to gender stereotypes. In making sense of these feelings young people are now having to navigate an increasingly complex interplay between sex and gender.

In reality, for any individual young person, there will be different socio-cultural influences that impact on their understanding of both their gender and sexual identity, and this is an area that warrants better exploration and understanding." Cass Review pages 118/119

3.15 **What does the evidence tell you about the experiences of people of different sexual orientations in relation to this work?**

Response

Guidance mentions sexual orientation- lesbian, gay, bisexual- questions over the sex of the individuals to whom one is sexually attracted. It is complex, and more evidence is needed.

A holistic approach, is required to understand a child/young person's sexual development including knowledge of the body, puberty and emerging sexual orientation. Our guidance advocates allowing young people to explore their identity - whether in relation to sexuality, gender identity, or other aspects.

3.16 **Please include quantitative and qualitative evidence relating to religion or belief**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

The Cass Review is cognisant of the broader cultural and societal debates relating to the rights of transgender people.

3.17 **What does the evidence tell you about the experiences of people of different religions or beliefs in relation to this work?**

Response

Certain religious beliefs/ gender critical beliefs may disagree with the approach we have taken.

Gender critical beliefs do not support the affirmative approach, language, working with LGBT Youth Scotland, Stonewall. However, we have consulted wider than this and also looked at the evidence/ best practice and law.

3.22 **Please include quantitative and qualitative evidence relating to children and young people we have a corporate parenting responsibility for**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

LGBT Youth Scotland's Life in Scotland for LGBT Young People Report presented the results of a 2022 survey of LGBT young people aged 13-25. It highlighted the significance of LGBT related matters for care experienced young people, showing that 8% of participants were care experienced. Additionally, children with disabilities (including neurodivergent and autistic young people) are often care experienced.

LGBT Youth Scotland's Recommendations for the Care Sector was based on peer research, which found that: • only 52% of people had felt able to come out in a care setting, and many of those said their experience of coming out in care was negative • LGBT young people felt that care staff often didn't have the knowledge to support them • LGBT young people's privacy was not always respected in care settings; • LGBT young people had experienced homophobic, biphobic or transphobic bullying in a significant number of care settings.

Adverse Childhood Experiences (ACEs) and trauma may impact on young people's developing identities.

3.23 **What does the evidence tell you about the experiences of children and young people we have a corporate parenting responsibility for in relation to this work?**

Response

Social care should also be embedded and there should be expertise in safeguarding and support for looked-after children and children who have experienced trauma. (Cass review, page 37)

Understanding children in the context of their families and home environments, including family makeup, key relationships, strengths, resources and social circumstances, as well as parental/carer health and well-being, is a core principle of good practice across health and social care settings. (Cass review, page 141)

Some children and young people have an increased psychosocial vulnerability (including complex family relationships/situations/illness/addiction/domestic abuse), transphobic bullying, online abuse/ grooming, isolation, self-harm, suicidality, etc.) (Cass review, appendix 9 page 14)

3.24 **Please include quantitative and qualitative evidence relating to children's wellbeing and rights under the UNCRC**

Name the source(s) used, and either provide a link (if external) or attach below (if internal).

Response

We are keen to ensure (article 2) non-discrimination in line with PANEL principles and article 4 (best interests of the child), article 5 (parental guidance and a child's evolving capacities), article 12 (respect for the views of the child), article 16 (right to privacy). We do reference our Health and Social Care standards which are rights based.

3.25 **What does the evidence tell you about the experiences of children (in terms of their rights under the UNCRC) in relation to this work?**

Response

As mentioned above articles 2, 4, 5, 12 and 16 are considered particularly important in relation to this work and its impact on children and young people

4 Stakeholder engagement & consultation

4.1 **Have you engaged and consulted with relevant groups?**

Response

Yes

Justification

None

4.2 **Please state who was engaged/consulted with**

Response

- Inspectors in Children and Young People team
- Team Managers in Children and Young People team
- Service Manager in Children and Young People team
- Chief Inspector for Children and Young People
  Service Managers in Early Learning and Childcare team
- Chief Inspector for Early Learning and Childcare
- Executive Directors of Assurance and Improvement/Deputy Chief Executive
- Chief Executive
- Senior Solicitor
- Equalities Professional Adviser
- Media Officer
- Head of Corporate Policy & Communication
- Internal LGBT Group
- Social Work Scotland Residential Childcare subgroup

4.4 **How was the engagement/consultation carried out?**

If other, please specify below

Response

Feedback on draft/ focussed discussion

Justification

None

4.5 **Has the proposal been reviewed/changed because of the engagement/consultation?**

Response

Yes

Justification

None

4.6 **What did you learn from the engagement/consultation?**

Response

We believe that there is a need to balance the need for sector guidance which is based on taking a person centred/ rights based approach and the changes proposed by the Cass Review. It is important we acknowledge the complexity of the debate, and support the option for young people to detransition if this feels right to them. The sector have found the guidance helpful, but we believe based on recent feedback that there is a need for greater clarity as societal understanding of the legislation is shifting.

4.7 **Have the results been shared with the people you engaged/consulted with?**

Response

Yes

Justification

None

4.8 **Is further engagement/consultation recommended?**

Response

No

Justification

None

5 Potential impacts - Age

5.1 **Do you think the work impacts on people of different ages differently?**

Response

Yes

Justification

None

5.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment and victimisation of people based on their age?**

Please include a justification for your answer. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

This is difficult to determine as there is a limited evidence base in this area, however in the absence of guidance the sector was operating in a vacuum, with staff making judgments based on their own values rather than those which support young people the opportunity to explore their identity in a safe space.

5.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different ages?**

Please include a justification for your answer. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

Our guidance advocates for the same approach regardless of age across children and young people. Decisions about age based access to medical treatments lie with medical professionals, and are not impacted on by our guidance.

5.4 **What kind of impact is there in terms of fostering good relations among and between different age groups?**

Please justify your answer. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable.

5.5 **If you answered 'negative' to any of the questions above, please outline how you will mitigate this.**

Response

Not applicable.

6 Potential impacts - Disability

6.1 **Do you think this work affects disabled people differently to non-disabled people?**

Disability: a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities.

Response

Yes

Justification

None

6.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of disabled people?**

Please justify your answer. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

Autistic people have an increased gender variance rate, of over seven times that of the general population, meaning they are more likely to identify as transgender, including non-binary.

In LGBT Youth Scotland's Life in Scotland for LGBT Young People Report, 38% of participants identified as neurodivergent but this varied between transgender and cisgender participants. Only 25% of cis participants identified as neurodivergent, compared to 52% of trans participants. This has relevance for care services as children with disabilities (including neurodivergent and autistic young people) are often care experienced.

6.3 **What kind of impact is there in terms of advancing equality of opportunity between people with and without a disability?**

Please justify your answer. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

We would expect disability, along with any other protected characteristics (or other relevant information) to be explored through personal planning to ensure a holistic, person centred approach

6.4 **What kind of impact is there in terms of fostering good relations among & between disabled and non-disabled people?**

Please justify your answer. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable.

6.5 **If you answered 'negative' to any of the questions above, please outline how you will mitigate this.**

Response

Not applicable.

7 Potential impacts - Sex

7.1 **Do you think this work affects people of different sexes in different ways?**

Response

Yes

Justification

None

7.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people based on their sex?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

The guidance is focused on supporting inclusion for all young people, regardless of biological sex or identified gender. This is clear with signposting to relevant legislation and guidance around single sex provisions.

7.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different sexes?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

The guidance is focused on supporting inclusion for all young people, regardless of biological sex or identified gender and their specific needs and wishes.

7.4 **What kind of impact is there in terms of fostering good relations among & between people of different sexes?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

The guidance is focused on supporting inclusion for all young people, regardless of biological sex or identified gender. If the guidance is followed then relationships should be impacted positively as it is around supporting inclusion.

7.5 **If you answered 'negative' to any of the questions above, please give details on how you will mitigate this.**

Response

Not applicable.

8 Potential impacts - Pregnancy and maternity

8.1 **Do you think this work impacts on people who are pregnant or have given birth in the past 26 weeks differently to others?**

Response

No

Justification

None

8.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people who are pregnant or gave birth in the past 26 weeks?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable.

8.3 **What kind of impact is there in terms of advancing equality of opportunity between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable.

8.4 **What kind of impact is there in terms of fostering good relations between people who are pregnant or have given birth in the past 26 weeks, and those who are/have not?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable.

8.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

9 Potential impacts - Gender reassignment

9.1 **Do you think this work impacts non-binary people, or transgender people/ people with a trans history differently to people whose gender identity and expression matches their biological sex?**

A decision to undertake gender reassignment is made when an individual feels that their gender at birth does not match their gender identity. This is called 'gender dysphoria' and is a recognised medical condition.

Gender reassignment refers to individuals, who either:

- *Have undergone, intend to undergo or are currently undergoing gender reassignment (medical and surgical treatment to alter the body).*
- *Do not intend to undergo medical treatment but wish to live permanently in a different gender from their gender at birth.*

Non-binary identity is also a protected characteristic under the Equality Act.

Response

Yes

Justification

None

9.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of transgender people?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

The guidance is focused on supporting the inclusion of transgender including non binary young people.

9.3 **What kind of impact is there in terms of advancing equality of opportunity between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

The guidance is focused on supporting the inclusion of transgender including non binary young people, to ensure high quality of care and support by raising awareness of their specific needs.

9.4 **What kind of impact is there in terms of fostering good relations between transgender/ people with a trans history and people whose gender identity and expression matches the biological sex?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

The guidance is focused on supporting the inclusion of transgender including non binary young people and acknowledges the needs of people whose gender identity and expressions matches their biological sex.

9.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

10 Potential impacts - Sexual orientation

10.1 **Do you think this work impacts people of different sexual orientations differently?**

Response

Yes

Justification

None

10.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different sexual orientations?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

The guidance is focused on supporting the inclusion of transgender including non binary young people however the content is broadly relevant to the wider LGBT community.

10.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different sexual orientations?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

As mentioned above the guidance is focused on supporting the inclusion of transgender including non binary young people however the content is broadly relevant to the wider LGBT community. There is limited reference to sexual orientation in the guidance. The guidance does support equality of opportunity for individuals who identify as bisexual, gay or lesbian.

10.4 **What kind of impact is there in terms of fostering good relations between people of different sexual orientations?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

As mentioned above the guidance is focused on supporting the inclusion of transgender including non binary young people however the content is broadly relevant to the wider LGBT community. The approach supports good relationships between people of different sexual orientations.

10.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

11 Potential impacts - Race

11.1 **Do you think this work impacts people of different races differently?**

Race applies to national or ethnic origin, nationality, colour, Gypsy, Roma and Traveller community membership.

Response

No

Justification

None

11.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different races?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Not applicable.

11.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different races?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Not applicable.

11.4 **What kind of impact is there in terms of fostering good relations between people of different races?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Not applicable.

11.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response
Not applicable.

12 Potential impacts - Religion or belief

12.1 **Do you think this work impacts on people of different religions or beliefs differently?**
This includes people with no religion or belief, and environmentalism.

Response
Yes

Justification
None

12.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of people of different religions or beliefs?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
Positive

Justification
Some people with gender critical beliefs or those of a different religion may have varying beliefs to the approach we promote in the guidance. However, this is balanced carefully with guidance from the EHRC and other guidance.

12.3 **What kind of impact is there in terms of advancing equality of opportunity between people of different religions or beliefs?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Some people with gender critical beliefs or those of a different religion may have varying beliefs to the approach we promote in the guidance. We have signposted to all relevant legislation and current best practice.

12.4 **What kind of impact is there in terms of fostering good relations between people with different religions and beliefs?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Some people with gender critical beliefs or those of a different religion may have varying beliefs to the approach we promote in the guidance. We understand different perspectives and don't believe that the relations are impacted by this as we are signposting to legislation and other guidance.

12.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

13 Potential impacts - Marriage or civil partnership

13.1 **Do you think this impacts employees who are married or in a civil partnership differently to those who are not?**

This refers specifically to Care Inspectorate employees, not service users who are married or in a civil partnership.

Only the first part of the Public Sector Equality Duty (eliminate unlawful discrimination, harassment and victimisation) apply to marriage and civil partnership.

Response

No

Justification

None

13.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees based on their marriage/civil partnership status?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable as it does not impact on Care Inspectorate employees.

13.3 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

14 Potential impacts - Children and young people for whom we have corporate parenting responsibilities

14.1 **Do you think this work impacts children and young people who we have a corporate parenting responsibility for differently to others?**

We have corporate parenting responsibility for every child who is looked after by a local authority, and every young person under the age of 26 who was looked after on their 16th birthday.

Response

Yes

Justification

None

14.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of children and young people we have a corporate parenting responsibility for?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

LGBT Youth Scotland's Life in Scotland for LGBT Young People Report presented the results of a 2022 survey of LGBT young people aged 13-25. It highlighted the significance of LGBT related matters for care experienced young people, showing that 8% of participants were care experienced. It revealed that 7% of survey participants who came out to their families left home under negative circumstances, with 6% experiencing homelessness, and 1% becoming care experienced. For trans young people, 10% left home under negative circumstances, and 2% became care experienced.

Our guidance is focused on supporting the inclusion of care experienced transgender including non binary young people.

14.3 **What kind of impact is there in terms of advancing equality of opportunity between children and young people we do and do not have a corporate parenting responsibility for?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

Our guidance is focused on supporting the inclusion of care experienced transgender including non binary young people to ensure equality of opportunity.

14.4 **What kind of impact is there in terms of fostering good relations between children and young people we do and do not have a corporate parenting responsibility for?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

Positive

Justification

Our guidance is focused on supporting the inclusion of care experienced transgender including non binary young people, but also recognises the rights of young people who do not share this protected characteristic, through discussions, planning and risk assessments.

14.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response

Not applicable.

15 Potential impacts - Care Inspectorate employees who have caring responsibilities

15.1 **Do you think this work impacts Care Inspectorate employees who have caring responsibilities differently to those who do not?**

Response

No

Justification

None

15.2 **What kind of impact is there in terms of eliminating unlawful discrimination, harassment & victimisation of employees who have caring responsibilities?**

Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response

None

Justification

Not applicable as it doesn't impact Care Inspectorate employees.

15.3 **What kind of impact is there in terms of advancing equality of opportunity between employees who do and do not have caring responsibilities?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Not applicable.

15.4 **What kind of impact is there in terms of fostering good relations between employees who do and do not have caring responsibilities?**
Please justify your answer below. You may select both positive and negative if you identify both kinds of impact.

Response
None

Justification
Not applicable.

15.5 **If you answered 'negative' to any of the above questions, please outline how you will mitigate this.**

Response
Not applicable.

16 Child Rights and Wellbeing Impact Assessment

16.1 **Please note this section only needs to be completed if the work involves/impacts on children in any way. This is likely to be most relevant to colleagues within Scrutiny & Assurance.**
Please write n/a in the questions below if this section is not applicable to your work.

16.2 **Which UNCRC Articles are relevant?**
List all relevant Articles of the UNCRC and Optional Protocols, and outline their relevance to your work in a couple of sentences.

All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.

Response
The guidance intends to uphold the following articles:

Article 2 (non-discrimination)
Article 4 (best interests of the child)
Article 5 (parental guidance and a child's evolving capacities)
Article 12 (respect for the views of the child)
Article 16 (right to privacy)

16.3 **What impact will this work have on children's rights?**

Response
Positive

Justification
The guidance is framed within the context of the Equality Act 2010 which places specific requirements upon providers to prevent unlawful discrimination in relation to the protected characteristics of: • age • disability • gender reassignment • marriage or civil partnership • pregnancy and maternity • race • religion or belief • sex • sexual orientation.

Recent years have seen an increasing focus on human rights, with the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, and associated commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. With this in mind, all young people: • should be protected from discrimination, harm and abuse • should be involved in all decisions affecting them, understand any action which is taken and why; and be at the centre of any decision making • have the right to an identity and for this to be respected • have the right to a private life.

Providers have a duty to act in a way that is compatible with human rights protected under the European Convention of Human Rights (ECHR). As set out in the Health and Social Care Standards all young people should experience: • dignity and respect • compassion • inclusion • responsive care and support • wellbeing.

16.4 **Will there be different impacts on different groups of children and young people?**

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

Response

The guidance aims to support care services for children and young people to enhance the inclusion of transgender including non-binary young people.

16.5 **How will the work contribute to the wellbeing of children and young people in Scotland?**

Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

Response

The guidance aims to support care services for children and young people to enhance the inclusion of transgender including non-binary young people. It aims to promote their mental wellbeing by ensuring their voices are heard in the context of their own identity.

16.6 **How will the work give better or further effect to the implementation of the UNCRC in Scotland?**

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014

Response

The guidance is framed within the context of the Equality Act 2010 which places specific requirements upon providers to prevent unlawful discrimination in relation to the protected characteristics of: • age • disability • gender reassignment • marriage or civil partnership • pregnancy and maternity • race • religion or belief • sex • sexual orientation.

Recent years have seen an increasing focus on human rights, with the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, and associated commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. With this in mind, all young people: • should be protected from discrimination, harm and abuse • should be involved in all decisions affecting them, understand any action which is taken and why; and be at the centre of any decision making • have the right to an identity and for this to be respected • have the right to a private life.

Providers have a duty to act in a way that is compatible with human rights protected under the European Convention of Human Rights (ECHR). As set out in the Health and Social Care Standards all young people should experience: • dignity and respect • compassion • inclusion • responsive care and support • wellbeing.

16.7 **Have you involved children and young people in the development of this work?**

Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?

Response

Yes, transgender young people were consulted with and are quoted throughout the guidance.

17 Assessment outcome

17.1 **Please read the following four statements:**

1) No major change required. Your assessment demonstrates that the work is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.

2) The work must be adjusted to reduce impact on protected characteristic groups. You need to take proportionate steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the work when implemented.

3) Continue with the work but it is not possible to remove all the risk to protected characteristic groups. The work will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.

4) Stop the work as this is potentially in breach of equality legislation. The work will not be implemented due to adverse effects that are not justified and cannot be mitigated.

17.2 **Which of the four statements best matches your assessment?**

Response

Option 1

Justification

None

17.3 **Option 2**

If you select this option you must submit an action plan to make arrangements to monitor any potential adverse impacts.

18 Monitoring and review

18.1 **How will you monitor the implementation of this work?**

Response

As with all guidance we publish, the impact will be monitored through our ongoing inspection activity.

18.2 **How will you use the results of the monitoring to develop the work?**

Response

Feedback from the sector will be taken into account when reviewing the guidance.

18.3 **When and how will you review this work? Please also give details of who is responsible.**

Response

The guidance will be updated on an ongoing basis as and when available best practice guidance changes by the Chief Inspector for Children and Young People.

18.4 **Please give details of how you will monitor any adverse impact over time, and how you will consider the monitoring information gathered in relation to equality. This ensures that you understand the actual impact of the policy, process or initiative once implemented.**

Response

As with all guidance we publish, the impact will be monitored through our ongoing inspection activity.

19 Sign off and approval

19.1 **Approved by (senior manager or Executive Director)**

Please state full name and job title

Response

Kirsteen Maclennan, Executive Director of Assurance and Improvement

19.2 **Date Approved**

Response

2026/08/28

19.3 **Review Date**

Response

2027/08/28

19.4 **Person responsible for reviewing?**

Response

Charlotte Wilson, Chief Inspector for Children and Young People

20 Conclusion

20.1 **The full Equality Impact Assessment Form is now complete.**

Thank you for your time in helping the Care Inspectorate and your Information Asset Owner understand equality impact associated with your activity.

20.2 **Do you wish to discuss any aspect of this form with the Equalities Team?**

Response

No

Justification

None

Assessment notes