



Response to

Welsh Government action plan to further equality for transgender people

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MAE POB PLENTYNDOD WERTH BRWYDRO DROS
EVERY CHILDHOOD IS WORTH FIGHTING FOR

About the NSPCC

We're leading the fight against child abuse in the UK and Channel Islands. We help children who've been abused to rebuild their lives, we protect children at risk, and we find the best ways of preventing child abuse from ever happening.

Abuse ruins childhood, but it can be prevented. That's why we're here. That's what drives all our work, and that's why – as long as there's abuse – we will fight for every childhood.

We help children rebuild their lives, and we find ways to prevent abuse from ruining any more. So when a child needs a helping hand, we'll be there. When parents are finding it tough, we'll help. When laws need to change, or governments need to do more, we won't give up until things improve. Abuse changes childhood. But so can we.

Introduction

NSPCC Cymru/Wales welcomes the opportunity to comment on the Welsh Government action plan to further equality for transgender people. The NSPCC's mission is to end cruelty to children, and to ensure that sufficiently robust measures for safeguarding and child protection are implemented to provide the best outcomes for children and young people, irrespective of their gender and sexuality.

The number of transgender children and young people in Wales is difficult to establish. There has been substantial work on estimating the number of transgender people in the UK¹, but there is no publicly available statistical data upon which to make firm estimates². This means that our knowledge about the issues transgender people face, the effects of these difficulties, and the extent of people affected, are not known. Research about transgender equality in Wales has provided an initial snapshot of some of the difficulties posed by transgender people. A study by the Equalities and Human Rights Commission in 2010, explored life in Wales for transgender people (age 22-64)³, and identified the wide ranging impacts that inequality had upon their lives. This included transphobia

¹ See Witten, T, E and Benestad, et al. (2003). *Transgender and Transsexuality*.

² See Whittle, S., Turner, L. and Al-Alami, M. (2007) *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*: Press for Change.

³ See Equality and Human Rights Commission (2010) *Not just another statistic: Life in Wales for Transgender People*.

from family and friends, serious harassment in local communities (ranging from verbal abuse to sexual assault and rape), discrimination in schools and workplaces, and a lack of access to appropriate health services. The devastating consequences that these impacts can have upon transgender individuals, demonstrates why transgender equality needs to be understood as a child protection concern.

Through ChildLine the NSPCC has a unique insight into some of the difficulties young transgender people are dealing with in the UK. In 2014-2015, 581 children and young people spoke out in ChildLine counselling sessions, about issues and concerns related to being transgender⁴. Snapshots from ChildLine case notes illustrate some of the difficulties that young transgender people have spoken about, including mental health issues, isolation, transphobic bullying, and a lack of understanding and support from those closest to them⁵. For example:

I feel like I was born in the wrong body which really depresses me. I find it difficult to cope with how confused I feel so I've been self-harming to make myself feel better. I've been called names by people online and my family constantly make fun of me which makes me feel really alone so I've been talking to people online. I found a chat room where there are people who feel the same as I do which makes me feel less of an outsider but I'm just not sure how much I should trust anyone? (Anon)⁶

I think I was born in the wrong body. I feel more comfortable wearing dresses, skirts and I like wearing makeup. The kids at school pick on me and call me horrible names. I try to ignore it but it's so hurtful. I've spoken to my parents about how I feel but they said I'm just going through a phase. I wish someone would just take me seriously (Boy, 14)⁷

The concerns that transgender young people have raised through their contact with ChildLine, alongside research which has shown the wide ranging impacts of transgender inequality, demonstrates why NSPCC

⁴ These figures represent how many people contacted ChildLine across the UK

⁵ Snapshots are created from real ChildLine contacts but are not necessarily direct quotes from the young person

⁶ All names and potentially identifying details have been changed to protect the identity of the child or young person.

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Cymru/Wales is supporting the development of a national action plan to further equality for transgender children and young people in Wales.

NSPCC Cymru/Wales has chosen to focus on the topics of children and young people, education, health, and sport - specifically answering questions 1, 2, 7, 9, and 10 as these are areas that are the most relevant to our work as the UK's leading child protection charity working to prevent cruelty to children.

Children and Young People

Question One: Do you think these actions should be a priority to improve equality for transgender children and young people?

YES - The NSPCC Cymru/Wales welcomes the proposed actions for improving equality for transgender children and young people.

The NSPCC recognises that any child can be bullied for any reason, but children who are perceived as different in some way are at particular risk. This includes children and young people who are transgender. As identified in the Welsh Government Respecting Others: Sexist, Sexual and Transphobic Bullying Guidance (2011), as harmful bullying behaviours (e.g. teasing, name-calling, groping) can be motivated by sexist or transphobic attitudes (which in extreme cases can constitute criminal acts of sexual harassment or hate crime), and as the potential for this form of bullying to be specifically characterised by inappropriate sexual behaviours; sexist, sexual and transphobic bullying raises child protection and safeguarding concerns, that must be considered and taken seriously in schools.

Although limited, the research evidence that is available on transgender people's experience of education and school, suggests that bullying and discrimination are significant problems⁸. Research has reported

⁸ See Keogh et al., (2006) *Lambeth LGBT Matters: The Needs and Experiences of Lesbians, Gay Men, Bisexual and Trans Men and Women in Lambeth*. Lambeth: Sigma Research; Whittle et al., (2007) *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*, London: The Equalities Review; Mitchell and Howarth (2009) *Trans Research Review*. Equalities and Human Rights Commission: Research Report 27.

absenteeism and non-completion of studies⁹, as well as social isolation and self-harm as reported outcomes of transphobic bullying¹⁰ in schools. From a child protection perspective, the NSPCC is particularly concerned with bullying, as it can have devastating effects on children and young people, which can last well into adulthood¹¹. All children who are affected by bullying can suffer harm¹², with those being bullied more at risk of developing mental health problems.

NSPCC Cymru/Wales strongly supports the aim of making schools safe, supportive environments where children and young people can be comfortable with their identity. NSPCC Cymru/Wales recognises that schools have an important part to play in ensuring that young people can explore their identity without fear of harm or humiliation. Strong legislation exists in Wales which aims to protect the rights of children and young people to live a life free from abuse, which includes bullying of all types. This means that schools have a legal duty to ensure that sexist, sexual and transphobic bullying is dealt with.

NSPCC Cymru/Wales believes that schools should play an essential role in delivering a range of 'preventative education' to protect children and young people from abuse and neglect, to teach them about respectful healthy relationships and equip them to make their own informed decisions about how to stay safe. We also believe that focusing on supporting wellbeing is crucial to help children reach their potential. In light of the proposals put forward in Professor Donaldson's 'Successful Futures' review, the NSPCC has called for the curriculum to:

- Provide information about how to keep safe, develop knowledge and understanding of abuse and neglect, and of where to go for help and advice
- Foster a safe space to explore identity, equality and safe relationships
- Support children and young people to become active and engaged citizens including teaching them about their rights and the UNCRC

⁹ See Whittle, S., Turner, L. and Al-Alami, M. (2007) *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*. London: Equalities Review

¹⁰ See Gendered Alliance 2007

¹¹ See NSPCC bullying and cyberbullying webpage for more information. Accessed via: <http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/bullying-and-cyberbullying/signs-symptoms-effects/>

¹² See Victoria Department of Education and Early Childhood Development (2013) *The Impact of Bullying*. Melbourne: Department of Education and Early Childhood Development

As a vital part of the curriculum changes, NSPCC Cymru/Wales feels that good quality Personal and Social Education (PSE) is crucial in safeguarding children. Sex and Relationships Education (SRE), situated within high quality PSE is vital to support children and young people to build their understanding of what is right and wrong and gives them the tools and knowledge to know how and where to ask for help, helping to reduce childhood abuse and neglect. NSPCC Cymru/Wales believes that the key to tackling transgender inequality in schools lies in creating a safe space to explore identity, equality and safe relationships. NSPCC Cymru/Wales believes that compulsory age-appropriate SRE for all children and young people, under the new Health and Wellbeing area of Learning and Experience, taught from an inclusive equalities and sexuality perspective would allow children to learn about, explore and develop safe and healthy relationships which are crucial to preventing bullying, abuse, and discrimination towards transgender young people. An essential element of this teaching would be the mainstreaming of transgender issues into all areas of SRE. **We therefore call for compulsory healthy relationship education as part of a statutory requirement to PSE for all primary and secondary school pupils in Wales. We would like healthy relationship lessons to be based on up-to-date inclusive content, which is regularly refreshed in partnership with young people, ensuring the content is relevant to their lives.** We believe it is imperative that children and young people's views are at the forefront of healthy relationship education, as children and young people are telling us that PSE and SRE teaching is not covering the topics they want it to and is therefore failing to give them the knowledge and understanding they require to protect themselves from abuse and exploitation. NSPCC Cymru/Wales views compulsory healthy relationship education as a vital part of teaching children and young people to stay safe and speak out about their experiences.

NSPCC Cymru/Wales welcomes the action to publish lesson plans on gender and transgender-based bullying, as part of wider healthy relationship education. **We would like to see lessons on gender and transgender-based bullying that has been built around up-to-date relevant content, which is designed and delivered in partnership with young people.** Proper consideration should be given to participation, ensuring that young people are able to contribute to, and engage with the design, delivery and review of the proposed lesson plans, ensuring the content is relevant to the realities of their lives and experiences.

NSPCC Cymru/Wales welcomes the action to further publicise the Respecting Others guidance and how it sets out clear priorities and actions to recognise, protect and respond to transphobic bullying, and how it frames this as a safeguarding and rights based issue in Wales for children and young people.

NSPCC Cymru/Wales also welcomes plans for a cyber-hate conference in 2015, raising awareness and increasing understandings of cyber-hate and bullying and its impact on victims. We are very pleased that Claire Lilley, who is the head of Child Safety Online at the NSPCC, has been invited to deliver a key note speech at the conference, enabling her to talk about the issue of child online safety and showcase the NSPCC's work in this area. NSPCC Cymru/Wales particularly welcomes a youth led workshop at the conference, enabling transgender young people a platform and a voice to raise issues about cyber bullying that are relevant to their own lives. The NSPCC recognise that children and young people spend a lot of time online, and that it can be a great way for them to socialise, explore and have fun. However, children and young people also face considerable risk online, which includes cyberbullying, sexting and seeing inappropriate content. The NSPCC has seen a concerning rise in issues related to online bullying, sexting, and pornography in recent years. For example, in 2013-14, ChildLine recorded a 78% increase in counselling sessions about cyber-bullying, and a 28% increase in counselling sessions where sexting was mentioned. In light of these concerns **we would like to see a greater understanding of the specific issues young transgender people face in relation to online risk, and a clear strategy for where young people, their parents/carers and teachers can go for help, advice and support.**

NSPCC Cymru/Wales also sees online safety as an essential part of healthy relationships education in schools. We welcome changes to the Curriculum as proposed by the 'Successful Futures: Independent Review' particularly the establishment of a new cross-cutting theme on digital competency providing a much-needed opportunity to support children to behave respectfully online, and build their resilience to cope with the dangers it presents. NSPCC would like to underline the importance of digital competency working in tandem with the wider health and wellbeing area of learning and experience, capitalising on a vital opportunity to situate teaching about online safety in wider discussions about healthy relationships and behaviour. As part of this we would like to see the

Welsh Government establish a Cross-Governmental Welsh Stakeholder Group on On-line Safety to support the delivery of the new Curriculum and cross-curriculum competencies on digital learning. This would ensure co-ordination and a cross-governmental ownership of child online safety which would complement the development of the cross-cutting theme of digital competency.

Question Two: What other actions do you think will improve equality for transgender children and young people?

NSPCC Cymru/Wales feels that an additional three actions are needed to improve equality for transgender children and young people in Wales.

NSPCC Cymru/Wales is pleased that considerations for children and young people are in the action plan for furthering equality for transgender people in Wales. However, we are concerned that the action plan does not seem to have made reference to the United Nations Convention on Rights of the Child (UNCRC), despite The Rights of Children and Young Persons (Wales) Measure 2011 placing a duty on ministers to have due regard to the convention when exercising their functions. **We suggest that reference to the UNCRC needs to be strongly emphasised throughout this action plan, evidencing and strengthening the commitment to a rights based approach in Wales.** Articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development), 8 (preservation of identity), 12 (respect for the views of the child), 14 (freedom of thought, conscience and religion), 16 (right to privacy), and 28 (right to education) of the convention may be specifically important in the development of this action plan. As part of this, **we would like to see a comprehensive action plan, that includes a Children's Rights Impact Assessment** from the Welsh Government that ensures children and young people have been considered and consulted in the steps to improve equality for transgender people in Wales.

NSPCC Cymru/Wales believes that lesson plans on gender and transgender-based bullying will help schools to develop a more effective approach to addressing transgender inequality. However, NSPCC Cymru/Wales feels that a move towards a new curriculum for Wales, as set out in the Successful Future review provides the opportunity to embed preventative 'keeping safe' education in all aspects of school life, including tackling transgender inequality and discrimination in schools. We believe this should be achieved through a whole school approach to healthy

relationship education. Whole-school approaches seek to strategically connect the key components of the school to increase the likelihood of prevention becoming embedded across the institution, ultimately improving learning, behaviour and wellbeing. A whole school approach to compulsory PSE and healthy relationships education, that was inclusive of transgender identities would therefore give the whole school community, including pupils, teachers, staff, and parents an important opportunity to address and deal with the issue of transgender inequality, discrimination and bullying, enabling transgender children and young people in Wales the right to an education free of fear, harm, or intimidation. As research has identified that discrimination from family and friends is one of the most significant challenges for transgender people in Wales¹³, a vital part of a whole school approach would be for **all teachers, school staff, school counsellors and nurses to be fully trained and have sufficient guidance and resources in transgender issues. This would ensure that they have the understanding and confidence to address and tackle transphobic bullying in schools, and have the knowledge needed to signpost children and young people to adequate support services.** We would also recommend that opportunities are sought to raise awareness and understanding of transgender issues with parents and carers, perhaps at the change from primary to secondary school and when parents come into schools.

NSPCC Cymru/Wales also welcomes the Welsh Government's development of a Good Practice guide on a Whole Education Approach to violence against women, domestic abuse and sexual violence, which will support the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. A practical guide for schools and Higher Education institutions on how to develop and deliver a whole education approach to promoting gender equality and respect and challenging violence against women, domestic abuse and sexual violence, represents an important step forward in preventative education. The NSPCC Cymru/Wales Policy and Public Affairs team will be working on a new research project in partnership with Welsh Women's Aid and Professor Emma Renold at Cardiff University with support from the Children's Commissioner's Office, which we would like to draw your attention to. The project will consult young people across Wales on their views and priorities for healthy relationship education to inform a young person's guide to Whole School Preventative Approaches in Schools. This is being designed to

¹³ See Equality and Human Rights Commission (2010) *Not just another statistic: Life in Wales for Transgender People*. Accessed via: http://www.equalityhumanrights.com/sites/default/files/documents/Wales/njas_transgender_people.pdf

complement the good practice guide for a Whole Education Approach to Violence Against Women, Domestic Abuse and Sexual Violence, written by Welsh Women's Aid on behalf on the Welsh Government. This project is due for completion in spring 2016. **We would like to see both good practice guides aligned and referenced in this action plan, as a way of supporting a whole school approach that would be inclusive of transgender issues in schools and communities.**

It may also be useful to note that the NSPCC has been rolling out the NSPCC Schools Service (formally ChildLine Schools Service) in recent years, to primary schools across Wales (and the rest of the UK) to help children understand how to recognise and protect themselves from abuse and neglect, and where to go for help if needed. The service uses specifically trained volunteers to talk to primary school children about abuse. We use an assembly and workshops to help under 11s understand abuse and neglect and where to seek help if it is needed. **We would like to see this service delivered in every school in Wales.** Furthermore, we believe the service could be potentially supportive of and complementary of a whole-school approach to preventative education. We would welcome further conversations with Welsh Government about taking this forward.

In response to the concerning rise in issues related to online risk in recent years, **NSPCC Cymru/Wales would like to see a greater emphasis upon digital competency, and issues of online safety, bullying, sexting, and pornography for children and young people (and transgender young people in particular), and for this to be situated in wider discussions about well-being and healthy relationships in schools. As a vital part of these discussions we think it is very important for clear signposting to be made to sources of information and support concerning online risk, for children and young people, parents and teachers.**

It may be useful to note that the NSPCC has developed a range of tools and services aimed at providing children young people (and their parents/carers) with information on how to stay safe online, to develop their knowledge and understanding of online bullying/abuse, and to inform them of where to go for help and advice on these issues. For example, the NSPCC launched its Share Aware campaign and NetAware tool in January 2015. Share Aware is designed to help parents keep their children as safe as possible when they are socialising online. It provides

straightforward, simple advice to help parents untangle the web, understand what their children may be doing online, and feel confident in talking to them about how to stay safe¹⁴. Our videos 'Alex's Willy' and 'Lucy and the Boy'¹⁵ (available bilingually from autumn 2015) (see fig.1) have been used widely to support learning on these issues. The NetAware tool and Share Aware Guide are also already featured on the Welsh Government's HWB E-Safety Portal.



Figure 1. Share Aware videos

Lesson plans around Share Aware aimed at the KS2 age group are also being developed and will be available in the next few months. We believe these resources could also support schools in delivering 'keep safe' messages. The NSPCC also developed Zipit, which is ChildLine's first ever app, available for Android, Apple and BlackBerry smartphones (and iPod touch)¹⁶. Zipit is a free, immediate and accessible smartphone app and online resource that provides teenagers the way to stop uncomfortable conversations by using humour and confidence to keep the situation under control. It's packed with killer comebacks and top tips to help children stay in control of the chat game.

In April 2015 the NSPCC also published a guide on preventing online abuse and bullying¹⁷. The guide has been developed for professionals who

¹⁴ Details of Share Aware and the NetAware tool are available at:

<http://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/share-aware/>

¹⁵ 'Alex's Willy' and 'Lucy and the Boy' can be accessed on the NSPCC website:

http://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/share-aware/?utm_source=google&utm_medium=cpc&utm_campaign=Grant_shareaware2014&utm_term=I_saw_your_willy_nspcc&gclid=Cj0KEQjwjrqvBRD6wf2fy-C61PIBEiQAUzKQTIuYuqt2G3IzIwY_iM8ZLBvBNUd9Gx5RPVyekVAW0OQaAmb68P8HAQ&gclsrc=aw.ds

¹⁶ More information on Zipit can be accessed via:

<https://www.childline.org.uk/Play/GetInvolved/Pages/sexting-zipit-app.aspx>

¹⁷ NSPCC (2015). *Online Abuse and Bullying Prevention Guide for professionals working with young people*. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414118/NSPCC_online_abuse_and_bullying_prevention_guide_3.pdf

work with young people to help children understand what constitutes abusive behaviour online, the consequences of bullying behaviour and where to get help. The guide focuses on preparation, session plans, resources to use during the sessions and signposts for further advice and information. The guide applies to professionals working in England and Wales and we believe it could form part of school's toolkits in delivering preventive education through whole-school approaches. The guide was developed in consultation with the NSPCC Young People's Panel, the Behavioural Insights Team, the Home Office, Sussex Police, O2 and the National Union of Students. It has been tested with young people from NSPCC and Merton Volunteer Police Cadets.

At the end of August 2015, The NSPCC also announced an exciting partnership with O2, to help keep children safe online. As part of the partnership, the O2 and NSPCC online safety helpline (0808 800 5002) was launched to offer technical online safety support and advice to those who need it. The aim of the helpline is to give parents and carers of 8 to 13 year olds the support and confidence they need to help their children stay safe in the online world. **We would like to see some of these examples referenced in this action plan, ensuring parents and children are aware of, and have appropriate tools to help keep them safe online.**

Sport

Question Seven: What barriers are there to participation in sport for transgender people?

NSPCC Cymru/Wales welcomes the Welsh Governments commitment to ensuring all people having equal opportunities to participate in sport.

Under Article 31 of the UNCRC, all children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities. NSPCC Cymru/Wales recognises that there are well documented benefits of young people participating in sport, including improved self-confidence, self-esteem, and physical and mental health and wellbeing¹⁸. However, evidence has shown that children who participate in sport can also face significant negative and harmful experiences, which can range

¹⁸ See Scottish Executive (2003) *Shaping Scotland's future: Scotland's Sports Strategy*. Edinburgh: Scottish Executive.

from misuse of power and bullying, to physical and sexual abuse¹⁹. Research has also suggested that transgender individuals can face specific barriers to participation in sport. For example, a study by the National Union of Students on lesbian, gay, bisexual and transgender (LGBT) students' experience of sport in college and university identified clear cultural, structural and physical barriers that prevented some LGBT students from participating²⁰. Findings showed that 46% of participants felt the culture of the sport was alienating or unwelcoming for LGBT students and 14% had experienced homophobia, biphobia or transphobia. 38% of transgender participants were put off by gendered sports teams and 36% by gender-specific sports kit or clothing. 36% of transgender participants also did not find the facilities, such as showers or changing rooms inclusive.

Through The Child Protection in Sport Unit (CPSU)²¹, NSPCC Cymru/Wales has shown its commitment to ensuring that sport in Wales is accessible to all members of the community. CPSU reinforce the importance of all sport settings providing an atmosphere where LGBT young people are free to be themselves; somewhere they can feel accepted by adults and other young people. CPSU recognise that all organisations have a responsibility to provide services and support for all children and young people, including those who are LGBT. CPSU identify a number of good practice measures for helping to ensure LGBT children and young people feel included and valued in and by the services they use²². This includes the organisation treating everyone with respect, and identifying and challenging homophobic and transphobic bullying in the same way as other forms of discrimination; ensuring anti-bullying policies take LGBT issues into account; that practices are open and inclusive to everyone; the images the organisation presents and displays reflects LGBT diversity; and that staff have LGBT awareness training, and knowledge within the organisation about the range of LGBT facilities and resources available (nationally and locally).

¹⁹ See Alexander, K *et al.*, (2011) *The Experiences of Children Participating in Organised Sport in the UK*. The University of Edinburgh/NSPCC Child Protection Research Centre October 2011

²⁰ See NUS (2012) *Out in Sport LGBT Students' Experiences of Sport*. Accessed via: http://www.nus.org.uk/Global/Final%20Out%20in%20Sport_NEW_web.pdf

²¹ The Child Protection in Sport Unit (CPSU) is a partnership between the NSPCC, Sport England, Sport Northern Ireland and Sport Wales. The Unit was founded in 2001 to work with UK Sports Councils, National Governing Bodies, Country Sports Partnerships, and other organisations to help them minimise the risk of child abuse during sporting activities. The CPSU works to help achieve the NSPCC mission to end child abuse.

²² See CPSU website for further information. Accessed via: <https://thecpsu.org.uk/help-advice/topics/lgbt-young-people-in-sport/>

It also might be useful to note that in 2014, the NSPCC, CPSU and Safe Network jointly hosted online training programme for supporting LGBT young people in sport and education. It explored how voluntary, community and sports organisations can support and safeguard LGBT young people, with a particular focus on supporting transgender young people. This resource is available online and may be a useful tool in helping organisations think about how to overcome transgender discrimination and inequality in sport²³. **We would be keen for this resource to be included in this action plan, and would be happy to discuss this possibility further.**

We would like to see safeguarding policies that are inclusive of transgender identities, and which reinforce a zero tolerance approach to transgender bullying and exclusion in sport. As part of wider safeguarding training, we would also like to see mandatory transgender awareness training for all sport staff/coaches and societies in Wales. This would ensure that everyone has a sufficient understanding of transgender identities, the support that is available for transgender young people on a local and national level, and some of the barriers that transgender young people face in participating in sport. We feel these actions would be an important step in protecting transgender children and young people from abuse and exclusion in sport, and in enabling them to enact their right to engage in a range of recreational activities in Wales, under Article 31 of the UNCRC.

NSPCC Cymru/Wales applauds Sport Wales in setting up an LGBT forum recognising the importance of engaging with the LGBT community, sharing good practice, and broadening the visibility of LGBT people in sport. **NSPCC Cymru/Wales would however like to see the inclusion of children and young people's voices in the LGBT forum, offering them the opportunity to be heard and to have their views taken into account, under Article 12 of the UNCRC.**

Health

Question Nine: Do you think these actions should be a priority to improving access to and experience of Health Services for transgender people?

²³ See <https://thecpsu.org.uk/news/2015/february/safeguarding-lgbt-young-people/>

YES - NSPCC Cymru/Wales welcomes the proposed actions for improving access to and experience of Health Services for transgender people.

Research has highlighted the range of disadvantages that transgender people can face when accessing health services, across the UK and in Wales more specially²⁴. Discrimination can include prejudice and misconception, bullying, a lack of training for health care professionals, and insufficient services for the transgender community²⁵. Although research does not suggest that having a transgender identity is associated with mental distress and increased rates of mental illness, it does indicate that the lack of health care provision, coupled with the impact of widespread discrimination and marginalisation, can have a negative impact on the mental health of the transgender community. For example, the Transgender Health and Emotional Wellbeing Study (2012), indicates that current and previous mental ill health were high among the participants, with depression (88%), stress (80%) and anxiety (75%) being the most prevalent issues. 53% of the participants had also self-harmed at some point, with 23% of those currently self-harming on a daily basis. The majority of participants (84%) had also thought about ending their lives at some point, with 11% actually attempting to do so in the last year.

It is within this context that it is essential to emphasise that poor mental health, and rates of self-harm and suicide are growing child protection concerns for the NSPCC across the UK. Suicide and self-harm are issues that affect a large number of young people. Through ChildLine the NSPCC provides support to thousands of children and young people suffering with issues of suicide and self-harm, and ChildLine data has showed a worrying rise in contacts about mental health. In 2014/15, there were high numbers of counselling sessions with children and young people concerning mental health and wellbeing. Four of the top ten issues that

²⁴ See Equality and Human Rights Commission (2010) *Not just another statistic: Life in Wales for Transgender People*; McNeil et al., (2012) *Trans Mental Health Study*; Stonewall (2015) *Unhealthy Attitudes: The treatment of LGBT people within health and social care services*. Accessed via:

https://www.stonewall.org.uk/sites/default/files/unhealthy_attitudes.pdf

²⁵ See Equality and Human Rights Commission (2010) *Not just another statistic: Life in Wales for Transgender People*. Accessed via: http://www.equalityhumanrights.com/sites/default/files/documents/Wales/njas_transgender_people.pdf; McNeil et al., (2012) *Trans Mental Health Study*. Accessed via: http://www.gires.org.uk/assets/Medpro-Assets/trans_mh_study.pdf ; Stonewall (2015) *Unhealthy Attitudes: The treatment of LGBT people within health and social care services*. Accessed via:

https://www.stonewall.org.uk/sites/default/files/unhealthy_attitudes.pdf

children and young people contacted ChildLine about were related to issues of mental health, and this accounted for one third of all concerns. This included 35,244 counselling sessions about low self-esteem/unhappiness, 19,557 about self-harm, 17,782 concerning suicidal feelings or actions, and 12,598 about mental health/depressive disorders. In 2014/15, 59% (1,996) of all referrals to external agencies, such as the police or children's services, were suicide related, which is by far the most common reason for a young person to be referred. During 2014/15, young people frequently told ChildLine that they found it difficult to talk about the way they feel, but when they did find the courage to speak out about their concerns, they did not always find it easy to get the support they needed. Worryingly, this year saw a 124% increase in young people talking to ChildLine about problems accessing services.

In light of this we are concerned that this action plan has not made reference to the challenges faced by Child and Adolescent Mental Health Services (CAMHS) in Wales²⁶. The limited availability of inpatient care and the patchy and variable coverage of out-of-hours highlighted by the Welsh Audit Office (WAO) and Healthcare Inspectorate for Wales (HIW)²⁷ seems likely to exacerbate the evaluated risk of suicide faced by children and young people. We strongly urge that the action plan highlights the need for improved CAMHS provision across Wales, which may be particularly important for safeguarding transgender young people. Given these growing concerns, NSPCC Cymru/Wales feels that access to the best possible health care for transgender adults and children and young people, is an issue that needs to be at the forefront of an action plan on transgender equality in Wales, in order to prevent and support transgender people with mental health problems.

NSPCC Cymru/Wales particularly welcomes the proposed evidence-gathering exercise to determine the prevalence of gender dysphoria in Wales, the specific health and wellbeing issues that transgender people face, and the provision of health care services and patient experiences of these services. We agree that the information gathered throughout these exercises will provide appropriate evidence needed to inform the development and implementation of NHS Wales Strategy for Gender Dysphoria Services. We feel this research is vital in building a more

²⁶ Wales Audit Office and Health Inspectorate Wales. 2013, *Child and Adolescent Mental Health Services: Follow-up Review of Safety Issues*. Accessed via: http://www.hiw.org.uk/Documents/477/CAMHS_Final_english.pdf

²⁷ Wales Audit Office and Health Inspectorate Wales. 2013, *Child and Adolescent Mental Health Services: Follow-up Review of Safety Issues*. Accessed via: http://www.hiw.org.uk/Documents/477/CAMHS_Final_english.pdf

informed picture of the experiences of the transgender community in Wales, and in identifying their needs in the health care sector. NSPCC Cymru/Wales welcomes this research, along with the proposed guidance for GPs on gender dysphoria, and the proposed partnership between the Welsh Government, WHSSC and Local Health Boards in implementing the NHS Wales Strategy for Gender Dysphoria Services. We feel these actions will be an important step towards addressing the discrimination that transgender people face in relation to the provision and access to health care services in Wales.

Question Ten: What other actions do you think will improve access to and experience of Health Services for Transgender people?

NSPCC Cymru/Wales agrees with the Welsh Governments proposed actions for improving access to and experience of Health Services for transgender people. However, we are concerned that this action plan does not identify specific health issues that young transgender people face in Wales, nor does it set out measures to improve access and experiences of health services for transgender children and young people. This is concerning to NSPCC Cymru/Wales for two reasons. Firstly, the NSPCC takes a rights based approach to health, recognising that under Article 24 of the UNCRC, all children and young people have the right to the best health possible and to medical care and information. This includes healthcare being as good as possible, and children and young people having the right to be both physically and mentally fulfilled. Yet, currently we do not have a clear picture of how many transgender young people there are in Wales, their specific health and wellbeing needs/difficulties, and how their age (e.g. being under 18) affects their access to and experience of using health services in Wales. Secondly, as research has suggested a link between a lack of health care provision and the experience of discrimination towards transgender people, and the negative impact of these factors upon mental health, this could signal the need to develop a wider a preventive strategy on mental health, suicide and self-harm for transgender young people in Wales. **We would like to see children and young people's experiences being included in the proposed evidence-gathering exercise, giving us more of an insight into the lives of young transgender individuals, and their experiences within the health sector.**

In planning and carrying out this research exercise, **we would also emphasise the importance of consultation with young transgender**

people. Under Article 12 of the UNCRC, children have the right to participate in decision-making process that may be relevant to their lives and to influence decisions taken in their regard. Involving young people in the consultation, implementation and evaluation of the proposed research exercise, and GP guidance will provide a unique insight into the health issues faced by children and young people, and ensure that the best interest of the child is a primary consideration in actions concerning transgender children and young people's health (Article 3 UNCRC).

ChildLine and the NSPCC also have a considerable amount of child/young people focused material and services, to support any child experiencing difficulties. **We would be keen to have the ChildLine number (0800 1111) and website²⁸ featured in this action plan**, ensuring that transgender children and young people know that they can contact ChildLine, for help and support, confidentially 24 hours a day.

Conclusion

NSPCC Cymru/Wales warmly welcomes the development of the Welsh Government's action plan to further equality for transgender people. Research cited throughout this response has demonstrated the range of inequality and discrimination that transgender people face in Wales and throughout the UK, including transphobia, harassment, bullying, and a lack of access to health services and leisure activities. The devastating consequences of these experiences demonstrate why NSPCC Cymru/Wales views transgender inequality as a child protection concern.

We believe that the actions set out in this strategy will contribute towards recognising and addressing transgender inequality in Wales. As this response has made clear, while the NSPCC Cymru/Wales is pleased that transgender children and young people's equality has been considered, we feel it is imperative to frame this action plan around the rights of children and young people in Wales. Children need to be supported to influence and control what happens in their lives and to make their views and wishes heard. We believe that achieving this will demand a greater focus on transgender children and young people's specific needs, service requirements, and difficulties based on their rights under the UNCRC. **We would therefore like to see any action plan for transgender equality underpinned by the UNCRC, emphasising the commitment to a rights based approach in Wales.** We would also like to see an

²⁸ ChildLine can be accessed via: <https://www.childline.org.uk/Pages/Home.aspx>

action plan that includes a **Children's Rights Impact Assessment**, to help policy and decision makers fulfil their responsibilities to respect the rights of children and young people set out by law. We feel only then, will transgender children and young people have the chance to live a life free from discrimination and harm in Wales.

Our response has also emphasised the importance of compulsory healthy relationship lessons for all children and young people in Wales. We see this as an essential part of helping all children and young people to stay safe and to equip them to feel able to speak out about their experiences, and as an important strand of effective whole school approaches. **We would like to see mandatory healthy relationships education as part of a statutory entitlement to PSE/Personal Development education for all primary and secondary school pupils in Wales. We would also like to see the content of lessons to be more up-to-date reflecting the realities of children and young people's lives and experiences and to see content regularly updated and refreshed to capture new and arising issues.** We believe this is an important part of supporting and building schools' capacity to embed effective preventative 'keeping safe' education in all aspects of school life.

As this response has demonstrated, the NSPCC Cymru/Wales also sees online safety as an essential part of healthy relationships education in schools. **In this action plan, we would like to see a much greater emphasis upon digital competency, and issues of online safety, bullying, sexting, and pornography for children and young people (and transgender young people in particular), and for this to be situated in wider discussions about well-being and healthy relationships in schools.** As part of this we would like to see the **Welsh Government establish a Cross-Governmental Welsh Stakeholder Group on On-line Safety to support the delivery of the new Curriculum and cross-curriculum competencies on digital learning.**

This response has also outlined some of the barriers to participation in sport, and in access to and experiences of health services for young transgender people in Wales. Through a rights based lens, we have stressed the importance of mandatory transgender **awareness raising and training in sport and health service settings**, ensuring that teachers/staff and health care professionals have sufficient knowledge and understanding to create an inclusive and supportive space for transgender children and young people in Wales.

We hope that the Welsh Government will place high importance on considering the wide ranging impacts of inequality, discrimination, and bullying toward transgender young people in Wales, demonstrating their commitment to making Wales a fairer place to live for transgender children and young people.

We are happy for this consultation response to be made public. If any further information is needed, then please contact the NSPCC Policy and Public Affairs Team for Wales: publicaffais.cymru@nspcc.org.uk