UK Government’s final Keeping Children Safe in Education guidance fails to protect trans, non-binary and intersex children and young people

article, non-discrimination, intersex, trans children, youth & adolescents

Eight civil society organisations express serious concern following the UK Government’s publication of the final 2026 *Keeping Children Safe in Education* guidance, which will come into force in England on 1 September 2026.

Last week, on 7 July 2026, the UK Government released the final 2026 *Keeping Children Safe in Education* statutory guidance for schools and colleges in England, and made it come into force in England on 1 September 2026. Earlier this year, IGLYO and TGEU warned that the draft guidance raised serious legal, safeguarding, and human rights concerns. We highlighted that it risked undermining equality law, data protection obligations, confidentiality, dignity, non-discrimination, and equal access to safe and inclusive education. **Sadly, the final guidance retains most of these core concerns.**

We recognise the importance of safeguarding guidance that supports schools and colleges to protect all children from harm. We also recognise the responsibility of governments to provide clarity to educators, families, and young people. However, the final KCSIE guidance does not meet this responsibility when it comes to trans, non-binary, and intersex children and young people.

We, as civil society, remain committed to constructive dialogue with the UK Government, and want to work towards schools that are safe, supportive, and rights-based for every child. However, meaningful dialogue must lead to meaningful protection. The publication of this guidance is another deeply worrying indication that the UK Government is failing to protect trans, non-binary, and intersex children and young people. Worse, it puts them in harm’s way.

The guidance continues to treat children’s gender identity and social transition primarily through a safeguarding lens. This framing is wrong and harmful and positions trans, non-binary and intersex children as ‘risks’ rather than as rights holders. Being trans, non-binary or intersex is not, in itself, a safeguarding concern. Safeguarding should protect children from violence, bullying, discrimination, abuse, neglect and exclusion. It should not be used to justify policies that isolate children, undermine their dignity, or make them afraid to seek support from trusted adults.

We are particularly concerned that the guidance places significant barriers in the way of children who request support related to social transition, including around presentation, pronouns use, access to facilities, accommodation, and participation in school life. The guidance also relies on rigid and binary understandings of “sex” that risk harming trans, non-binary and intersex children and young people, including those whose bodies, identities or lived experiences do not fit narrow sex-based categories.

The guidance states that schools must not allow pupils into toilets, changing rooms, or boarding or residential accommodation designated for the “opposite sex”, with no exceptions, and applies similarly restrictive language to sports segregated by sex. These provisions exclude trans, non-binary and intersex children and young people from ordinary school life. They may force young people into separate or stigmatising arrangements, restrict their participation in education, sport and residential activities, and increase their exposure to bullying, humiliation, and

social isolation.

Organisations working directly with young people in England have raised the everyday harms caused by restrictive school policies, including young people avoiding toilets at school because they do not feel safe or able to use them. These are not abstract policy disagreements. They are immediate risks to children's health, wellbeing, dignity, and education.

We are also deeply concerned about confidentiality and data protection. The guidance strongly encourages parental involvement when a child asks for support with social transition, while failing to provide sufficient safeguards to ensure that any information-sharing is lawful, necessary, proportionate, and in the best interests of the child. Some trans, non-binary and intersex children and young people face rejection, hostility, abuse or homelessness when sensitive information about their identity, sex characteristics or personal circumstances is disclosed without their consent, including to their caregivers. Any decision to share such information must be made on a careful, case-by-case basis, taking into account the child's wishes, age, maturity, safety and home circumstances.

The guidance also risks undermining the trust that safeguarding depends on. Children must be able to speak to trusted adults in school without fearing that their identity, body or personal circumstances will automatically be disclosed. If trans, non-binary and intersex young people believe that asking for support may lead to forced outing, loss of confidentiality, increased exposure to bullying or exclusion, restrictions, or the reversal of support they already receive, they may stop seeking help altogether. That makes children less safe, not more.

This guidance must also be understood as part of a wider pattern. In our recent joint statement on the UK draft Code of Practice, IGLYO, ILGA-Europe, TGEU, OII Europe, EL*C, Rainbow Cities Network, the European Pride Business Network and the European Forum of LGBTI+ Christian Groups warned that the UK Government's current approach is intensifying the exclusion of trans, non-binary and intersex people from services, public life, and basic protections. We also raised serious concerns about the implications of these developments for the UK's role as host of the 2027 IDAHOT+ Forum.

The final KCSIE guidance adds to these concerns. The IDAHOT+ Forum should be a space rooted in human rights, safety, dignity and trust. As host, the UK Government has a responsibility to demonstrate that it is willing to listen to the organisations most affected, especially UK-based trans, LGBTQI and youth organisations, and to address the policies that are currently eroding that trust.

We call on the UK Government to urgently:

- review and revise the KCSIE 2026 provisions affecting trans, non-binary and intersex children and young people before they come into force;
- engage meaningfully with trans, non-binary and intersex young people, UK-based LGBTQI organisations, safeguarding experts, educators and human rights bodies;
- ensure the guidance fully complies with the Equality Act 2010, the Public Sector Equality Duty, data protection law and international human rights standards;
- remove blanket restrictions on access to facilities, accommodation and participation in school life, replacing them with clear, rights-based, case-by-case guidance centred on the child's dignity, safety, privacy and expressed preferences;
- remove any presumption of parental disclosure and provide clear safeguards to ensure that information-sharing is lawful, necessary, proportionate and in the best interests of the child;
- make clear that being trans, non-binary or intersex is not, in itself, a safeguarding concern;
- publish a full Equality Impact Assessment and Child Rights Impact Assessment;
- work with civil society to rebuild trust through tangible outcomes ahead of the 2027 IDAHOT+ Forum.

Trans, non-binary and intersex children and young people deserve to be safe at school. They deserve to be listened to, supported, and treated with dignity. They deserve access to education without fear of being outed, isolated, misgendered, pathologised or excluded from ordinary school life.

We remain ready to work with the UK Government to find a rights-based, child-centred, and legally sound way forward that protects trans, non-binary, and intersex children and young people. But the current guidance falls short of that standard. Safeguarding must never be used to make children less safe.

Signatories

- EPBN – the European Pride Business Network
- IGLYO – The International LGBTQI Youth & Student Organisation
- ILGA-Europe
- OII Europe – Organisation Intersex International Europe
- TGEU — Trans Europe and Central Asia
- The Kite Trust – LGBTQ+ youth organisation in the East of England
- Trans+ Solidarity Alliance (UK)
- TransActual (UK)

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