

Confidentiality, information sharing and child protection

“I came out to one of my teachers and they told my guidance teacher that I'm trans even though I really didn't want them to. I wasn't ready.”

– Trans young person

Confidentiality and privacy is important to transgender young people. They can worry about people disclosing information about their gender identity to others, and/or about professionals taking action which they have not agreed to.

National Child protection guidelines⁶² require agencies and professionals, including teachers to follow particular procedures for confidentiality and information sharing. But, being transgender is not a child protection issue in itself. If there is a child protection issue, this should be specified and the school's child protection guidelines followed.

Good practice

- It is important to respect a young person's right to privacy⁶³.
- Being transgender is not a child protection issue or wellbeing concern in itself.⁶⁴
- Young people should be involved in all decisions affecting them and understand what is happening and why.⁶⁵
- If a young person wishes to 'come out' in a school setting, information may need to be shared. Teachers should consider who to tell and how; taking into account the young person's view and legal requirements on this.
- A transgender young person may not have told their family about their gender identity. Inadvertent disclosure could cause needless stress for the young person or could put them at risk and breach legal requirements. Therefore, it is best to not share information with parents or carers without considering and respecting the young person's views and rights⁶⁶.
- A transgender young person may wish to change schools as part of their transition process. Their previous name does not need to be shared with the new school. It is not necessary for all staff in a receiving school to know that the young person is transgender. Please see pages 22-25 for further information on school records.
- Young people find it increasingly difficult to maintain their privacy. Teachers may need to support young people if personal information becomes common knowledge through social media or online forums.
- If information about a young person's gender identity is to be made public, there should be an agreed procedure on how to respond to questions from other young people,

⁶² <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

⁶³ A young person with capacity can exercise rights and give consent to information being shared about them in their own right. Please see section on page 60 about Age of Legal Capacity

⁶⁴ If a teacher is concerned about the safety of a young person, they should follow the school's procedures for recording and/or acting on such concerns

⁶⁵ Please see information on page 60 for information on legal capacity and decision making

⁶⁶ See information on page 59 for additional information on Data Protection Law