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Policy paper

Including guidance on children who are questioning their gender in 'Keeping children safe in education (KCSIE)'

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Applies to England

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What we're consulting on

The Department for Education has proposed a new section in [Keeping children safe in education \(KCSIE\)](#), which focuses on issues that might arise when considering how best to support children who are questioning their gender, along with new sections on single-sex spaces and single-sex sports.

Children who are questioning their gender may need sensitive and thoughtful involvement from their school or college. When handled well, with parental involvement and attention to any clinical input, the school or college's involvement can help to avoid safeguarding issues arising.

These sections are informed by the public [consultation on the draft non-statutory Gender questioning children: guidance for schools and colleges](#). We will not be publishing standalone guidance for schools and colleges on gender questioning children, but propose instead to include this content in KCSIE so that children's wellbeing and safeguarding are considered in the round, and so that schools and colleges can easily access this information in one place.

What we learned from the consultation on the 'Gender questioning children: draft schools and colleges guidance'

This consultation ran for 12 weeks from December 2023 to March 2024 and received 15,315 responses. The consultation sought views on:

- the guidance's useability
- the level of detail
- whether it would support schools and colleges to make lawful and considered decisions

Overall, the consultation demonstrated that this is a highly contested policy area, with no clear consensus on the appropriate approach, but more respondents expressed negative than positive views about the useability of the draft guidance published for consultation.

Respondents reported particular dissatisfaction with the sections on responding to

requests and engaging parents and pronouns, with 74% and 73% respectively feeling that these sections did not provide enough detail to support schools.

Respondents expressed concerns about:

- alignment with existing legislation
- alignment with the evidence
- how the guidance intersects with safeguarding

How we've responded – why KCSIE?

By focusing on safeguarding considerations within KCSIE, our intention is to clarify the responsibilities of schools and colleges and put this on a statutory footing. This reflects the importance for schools and colleges of making careful decisions about what is in the best interests of children, including children who are questioning their gender. Schools and colleges have obligations to safeguard and promote the welfare of all children in their care, and children who are questioning their gender are no exception.

This is especially important in the context of the recommendations of [The Cass Review](#) – an independent review of gender identity services for children and young people – which published its final report on 10 April 2024, after this consultation had closed. The Cass Review focused on the clinical services provided to children and young people but acknowledged that it is important that school and college guidance reflects the principles and evidence from the review.

These principles include the need for:

- caution and clinical advice in relation to supporting social transition of pre-pubertal children
- the involvement of parents in decision-making wherever possible

Both of these are especially significant in the context of safeguarding.

Children are all different and, similarly, the way that children who are questioning their gender or taking steps towards social transition experience this process will be different. It is important that schools and colleges are equipped to focus on the specific circumstances of each child.

The Cass Review notes that for adolescents, exploration is a normal process, and

rigid binary gender stereotypes can be unhelpful. Many adolescents will go through a period of gender non-conformity in terms of hairstyle, make-up, clothing and behaviours. They also have greater agency in how they present themselves and their decision-making.

However, we also know that these children may have complex needs, and it is important that the school is prepared to identify any safeguarding concerns and carefully consider the impact on all children of any decisions, requesting clinical advice where available.

Policies relating to social transition

KCSIE is clear that schools and colleges should consider policies relating to social transition in light of their safeguarding duties and their obligations under the [Equality Act](#) and the [Human Rights Act](#). This means that when considering any request for social transition, the school should first consider what is in the best interests of the child. This applies to any element of social transition, including requests for the school or college to support a change in pronouns, names or uniform.

Single-sex facilities and sports

Facilities

Responses to the consultation on draft guidance relating to gender questioning children were divided on questions relating to:

- single-sex toilets
- changing rooms
- boarding and residential accommodation

51% of respondents requested more information in the guidance on what schools and colleges should do if they cannot offer alternative toilets and changing facilities or what an alternative facility would look like.

61% of schools responding to the consultation felt that this section provided enough support in this area.

53% of respondents were dissatisfied with the level of detail provided in the section on overnight accommodation and boarding.

The majority (76%) of respondents felt that further guidance was needed on how to make decisions about access to boarding and overnight accommodation designated for the opposite sex and when to refuse a request.

Reflecting the underpinning statutory duties, our proposal makes clear that schools must not permit:

- children over the age of 8 to access toilets designated for the opposite biological sex
- children over the age of 11 to access changing rooms designated for the opposite biological sex
- allow children to share boarding or overnight accommodation with those of the opposite sex

Colleges should follow the same principles.

This is to comply with applicable legislation, including safeguarding duties, and maintain the privacy and dignity of children.

The guidance advises that schools and colleges should look to provide suitable alternatives for children who do not want to use the facilities designated for their biological sex, while also being clear that this should not compromise the provision of single-sex facilities.

Participation in PE and sport

54% of consultation respondents asked for more information about responding to requests to participate in PE and sport, although 64% of schools, 61% of colleges and 53% of academy trusts felt that enough information was available.

Feedback was mixed as to whether schools should allow a pupil to participate in an activity of the opposite sex where this is not already the norm, although respondents also stated that the priority is to ensure that all children can participate in PE and sport, as it is an integral part of their schooling.

Only 11% of respondents felt that teachers were well placed to take decisions about inclusion on a case-by-case basis. Some respondents suggested that this section was discriminatory and could cause harm to children who are questioning their gender.

Our proposal in KCSIE makes clear that where sports need to be played in single-sex groups from a certain age to ensure children's safety, no exceptions are made. Where this is not the case, schools and colleges should undertake a balanced consideration of the request taking into account the full range of factors including fairness.

Single-sex admissions

The [School admissions code](#) is clear that single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

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