

Private and Confidential

Carolyn Brown

Monday 9 June 2025

cbrown303@btinternet.com

Ref: 2025A0898

Dear Ms Brown

Your complaint about the Care Inspectorate

You contacted us on 17 May 2025 to complain about the Care Inspectorate. This was investigated through our Stage 2 complaints about the Care Inspectorate process. Our findings are laid out below.

Complaint Details

You raised concerns in relation to the Guidance on the Inclusion of Transgender Including Non-Binary Young People, which was recently published on 7th May 2025 in response to the Supreme Court's recent ruling. You stated that the Guidance was deeply flawed due to:

- Failure to engage with systemic research
- Misunderstanding of the Cass Review
- Presentation of misinformation
- Lack of knowledge about child development

Actions Requested:

- The Care Inspectorate should withdraw or substantially revise the Guidance to ensure alignment with the best available evidence, including the recommendations of the Cass Review and broader systemic research on gender dysphoria and child development.
- Future guidance should be developed in consultation with experts in child psychology, developmental science, and gender dysphoria to ensure a balanced and evidence-based approach.
- An outline of the steps taken by the Care Inspectorate to address these concerns.

Method of investigation

The investigation was carried out by the manager responsible for handling complaints about the Care Inspectorate. Information was gathered from the Equalities Team and the managers involved in developing the Guidance. As part of the investigation, we reviewed the content of the Guidance and analysed how the findings of the Cass Review were taken into account.

Findings

We were advised that the Guidance on transgender inclusion was developed to support services in meeting the needs of young people in their care, following requests from providers due to a lack of existing guidance in this area. Information gathered indicated that the Guidance on transgender inclusion was grounded in the Care Inspectorate's legal duty to promote equality, in accordance with the Equality Act 2010 and the Public Sector Equality Duty 2011.

We were informed that examples of good practice were collected, referenced throughout the Guidance, and included in the resources section. We reviewed the chronology of the Guidance and found that it was initially developed to support services in meeting the needs of young people in their care. This followed requests from services seeking support due to limited available guidance in this area. The Guidance on transgender inclusion was published in May 2024 to reflect changes in legislation, stakeholder feedback, and the Cass Review. It was subsequently updated in May 2025 to incorporate the Supreme Court ruling and interim guidance published by the Equality and Human Rights Commission.

Our review of the Guidance found that it advises services to adopt a risk-based approach to supporting young people. It emphasises the importance of engaging in discussions with young people, and that robust, individualised risk assessments should guide decision-making. These assessments should appropriately consider the wishes, rights, and needs of all young people in care. We were further advised that one of the aims was to help services develop inclusive cultures and practices that create safe, supportive environments for young people. Supporting service improvement is also a legal duty of the Care Inspectorate.

Information obtained from the managers who developed the Guidance highlighted their substantial expertise in child development and gender diversity. This included a sound understanding of gender dysphoria and awareness of the broader research base in this complex area of child development.

Conclusion

This investigation found that the managers and staff involved in developing the Guidance on transgender inclusion possessed substantial professional knowledge and experience in child development, research, and risk management. The Guidance on transgender inclusion was found to appropriately balance the Care Inspectorate's

legal duties to promote inclusion, support service improvement, and safeguard young people. It also considered the Cass Review, alongside a broad range of relevant research and expert knowledge in this complex area of child development. We therefore find that the complaint was not upheld.

SPSO

I trust that you are satisfied that we have undertaken this complaint investigation properly. If you feel that we have not followed our procedures correctly you can contact the Scottish Public Services Ombudsman.

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, NDPBs, agencies and other government sponsored organisations. If you remain dissatisfied, you can ask the SPSO to look at your complaint.

The SPSO cannot normally look at complaints:

- where you have not gone all the way through the Care Inspectorate's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

SPSO

Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Freepost SPSO

Freephone	: 0800 377 7330
Online contact	: www.spsso.gov.scot/contact-us
Website	: http://www.spsso.gov.scot
Mobile site	: http://m.spsso.gov.scot

Yours sincerely

A handwritten signature in black ink that reads "John Elliott". The signature is written in a cursive style with a large 'J' and 'E'.

John Elliott
Manager for Complaints about the Care Inspectorate

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Email address : complaints.ci@careinspectorate.gov.scot
Office Location : Stirling