



Transgender policy

THE
C  **MPASS**
PARTNERSHIP OF SCHOOLS

Across our group of schools, we strive to develop a culture that celebrates similarity, difference and diversity and one in which all children and young people can see themselves represented and valued

We recognise that all gender variant children should be supported and protected by:

- ensuring teaching staff and governors have sufficient understanding in dealing with transgender matters inclusively and sensitively
- providing an inclusive environment for any transgender pupil
- ensuring all pupils are aware of, and educated on, issues of transgender

Underlying Principles

Some children and young people may question their gender identity for a range of reasons and in a range of ways, and some may question their gender identity from a young age. Provision of support for a gender questioning child or young person does not signal that they are or will be trans or that if they are trans that they will conform to any single trans identity or follow any particular path of transition.

It is important to:

- listen to the child or young person and wherever possible follow their lead and preferences
- communicate, involve and support parents and carers as much as possible. With this in mind we will always ensure any decisions around breaching confidentiality will be carefully considered ensuring the safety of the child/young person is central in our decision making
- avoid seeing the trans or gender-questioning child or young person as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale
- ensure children understand that gender is often an important part of our identity and developing a positive sense of gender identity is part of growing up
- use gender segregated activities only when there is a clear educational rationale for them for example as part of SRE
- be ready to see gender as a spectrum that is broader than male and female
- understand that trans children and young people have the right to access facilities and support in line with their gender identity
- know that trans and non-binary inclusive practice requires understanding and challenging long accepted ideas of sex and gender. All members of the school community including parents and carers may need support in developing this understanding

- ensure that no trans pupil or student is made to feel that they are the ones who are causing problems or that they owe anything to their school in return for changes made to support them.

Transgender Identify

A transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identify. A Female to Male (F2M) person will have the external appearance or body of a female and identify their gender as a male; a Male to Female (M2F) person will have the external appearance or body of a male and identify their gender as female.

The word 'transgender' is sometimes used interchangeably with the term 'gender variant' but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth. Children and pupils that experience or show gender variance may or may not be transgender, as some will not retain their gender variance following puberty because gender variance can be fluid.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age 2 and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment e.g. hormone blockers (currently not available in the UK under the age of 16), to ameliorate the symptoms associated with being transgender. A transgender person may live their life without being or needing to be diagnosed as having Gender Dysphoria.

Diagnosis and treatment for young people is currently only possible through a specialist team. It must be understood that some people with Gender Dysphoria may not want any treatment. Some may choose to be known by a different name or to wear different clothes. However, most or all young transgender people (and their families) will need some expert support as they grow up and develop.

Legislation Data Protection Act 1998 (UK)

Information about a person's transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

Personal data must be looked after properly following the eight data protection principles, which include ensuring personal data is accurate, secure and processed fairly and lawful

Failure to change a person's title, name and gender when requested could lead to the following offences under the 1998 Act:

- Disclosure of personal information that is used, held or disclosed unfairly, or without proper security
- Failure to ensure personal information is accurate and up-to-date or Processing of data likely to cause distress to the individual

The Human Rights Act 1998

The following Articles from the Human Rights Act 1998 support the rights and needs of transgender people to live their lives in their true gender.

- Article 8: right to respect for private life and family life
- Article 10: freedom and expression
- Article 14: the prohibition of discrimination

Confidentiality

Other pupils should not be informed without permission. The Gender Identity Research and Education Society (GIRES), in association with the Home Office, has produced guidance on combating transphobic bullying in schools.

The guidance says:

It is the right of the individuals to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or pupil, without that person's permission is a form of harassment, and will be treated as such.

Equality Act, 2010

Under the Equality Act 2010 public sector organisations, such as schools, are covered by the Public Sector Equality Duty and must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The Act provides protection from discrimination in respect of particular "protected characteristics" which are defined as:

- Age (for staff only)
- Disability
- Gender reassignment
- Marriage and civil partnership (for staff only)
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

As a result of the provisions in the Act, schools need to ensure they do not treat pupils and students less favourably due to the protected characteristic of gender reassignment. The Equality Act also protects those who are discriminated against because they are perceived to be trans or discriminated against because of their association with a trans person.

Gender reassignment is defined in the Equality Act as applying to anyone who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of

reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so

This definition does not appear to cover non-binary or genderless individuals. However, a recent case held that a non-binary claimant had been discriminated against on the grounds of gender reassignment. It remains to be seen if this decision will be followed in other cases. In any event, schools and colleges will want to act to safeguard and include all members of their communities.

Safeguarding

There are no specific provisions in child protection and safeguarding legislation specific to trans children and young people aside from what is in place to keep all pupils and students safe. There is nothing to prohibit trans children and young people using the changing rooms or toilets which reflect their gender identity.

The Department for Education statutory safeguarding guidance, Keeping Children Safe in Education (2016), is clear that governing bodies and proprietors should consider how children may be taught about safeguarding. This may include covering relevant issues through relationship and health education. Given the prevalence of bullying of trans and gender questioning pupils, learning about gender identity should be considered under this obligation.

Individualised approach to support

Given the spectrum of trans identities and experiences, it is important that any support offered to a trans child or young person starts with identifying their individual needs. A tailored approach for each individual child and their family is important. There may be additional challenges for trans and non-binary pupils and students from certain faith or cultural backgrounds or because of a special educational need or disability. Maintaining open and supportive communication with the families of transgender students is crucial to ensuring their concerns and questions are addressed as the child ages. It may be useful to draw upon local LGBTQ+ organizations and resources to enhance support for transgender students and their families and where possible / appropriate, encourage staff to be allies and advocates for transgender students, supporting them in their journey. It is important for educational settings to see all aspects of a child's identity and experience in thinking about how to best support and respond and as previously stated, not to make assumptions that any behaviour means a child is or will be trans.

School Attendance

We will make reasonable adjustments to accommodate absence requests for appointments associated to transgender treatment etc. in line with our absence policy. Sensitive care will be taken when recording the reason for absence.

Transphobia and Bullying

Our schools have robust anti-bullying policies. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by hate / prejudice, e.g. racist or homophobic incidents.

Staff CPD

School staff will be provided with training which will develop confidence in understanding gender and trans presentation, terminology and vocabulary e.g. correct use of pronouns and names, and in challenging gender stereotypes, sexism and transphobia.

Language

If a child or young person transitions whilst in the school community, it is important that all staff are led by the language that the child or young person is using about themselves and that all staff are advised of the name and pronoun change if applicable.

Settings will need to work with the trans child/young person to agree how to share this information. Members of the school community should then use this name and pronoun and apologise if and when mistakes are made.

In general, staff should think carefully about the language they use and where possible attempt to use language which does not reinforce a binary approach to gender (i.e. there are just males and females). Using 'they' as a pronoun or the term 'all genders' are examples of inclusive language.

Care needs to be taken to avoid excluding those who do not see themselves as male or female or make assumptions about someone's gender identity because of how they appear. This approach also supports inclusion of non-binary members of the community and encourages discussion and reflection on assumptions and expectations made about gender and gender expression.

The Curriculum

The relationships and health curriculum explores topics related to gender identity and challenging stereotypes.

Particular care will need to be taken to ensure that relationships and sex education is inclusive of all genders.

Physical Education

A transgender person has the same right to physical education as other young people. With regard to young Transgender people at primary school, there should be reasonably few, if any, issues regarding participation within the sports of their true gender.

If P.E. lessons are segregated by gender for any reason, transgender pupils will be allowed to participate in the activity that corresponds to their gender identity, if they wish.

Changing for P.E. will be carefully considered. Facilities for transgender participants must be sensitive to their needs and also recognise the needs and sensitivities of other pupils.

Changing / Toilet Facilities

Pupils and students are supported through the Equality Act to access the toilet that corresponds to their gender identity; so trans girls because they are girls, can use the girls' toilets and trans boys the boys' toilets. Single gender toilets can however, cause issues for pupils and students who do not identify with a gender binary such as boy / girl.

There is facility to use a unisex toilet within the school.

The age / phase of the pupil will be taken into consideration when ensuring appropriate and sensitive provision is provided. This will be agreed with school, parents and the child and each individual pupil's need will be assessed on a case by-case basis.

School Uniform

Trans and non-binary pupils and students have the right to dress in a manner consistent with their gender identity. By providing a choice of approved items of uniform and allowing pupils and students to choose what they wear, schools will allow for regulated structure and remain inclusive. Having a non-gendered school uniform list further supports this approach.

Name Changing and Statutory Tests

If a transgender pupil wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters sent home, school reports, pupil's books and name labels. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is a real indicator that the Transgender pupil is taking steps to, or proposing to move towards a gender they feel they wish to live in.

A pupil's record on the school's management and information system can be changed to reflect his or her preferred name. However the gender recorded has to remain as it was when the pupil was assigned their Unique Pupil Number (UPN), unless the pupil's birth certificate or legal gender is changed via a Gender Recognition Certificate.

Guidance explains that a pupil's original name and gender will have to be recorded for exam entries unless the pupil has legally changed his or her name, for example by deed poll. Once an exam result is accredited it will be linked with a UPN which existed in the school census information. UPNs are only linked with legal names, not preferred names.

Schools need to be aware that the DfE analysis of school performance data may still present the pupil in the gender registered by their UPN.

It is possible for any document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate is not however possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. The Citizens Advice Bureau and other transgender support organisations will have more information on this subject. A person under 16 years of age cannot change their name legally without the consent of a parent.

School Visits

Taking part in activities off site may lead to overnight stays. Issues may arise for both young transgender pupils and other pupils, but this must not mean transgender pupils cannot be included on the visit or activity. Each individual case and visit needs to be considered separately and in depth discussions will happen well in advance, with all appropriate bodies, linked to the accommodation available.

GLOSSARY OF TERMS

- F2M – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is Male.
- M2F – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is Female.
- Binding – a F2M pupil that is developing breasts may strap down their chest so that it is less obvious. This can be hot, uncomfortable and restrictive but very important to their psychological and emotional wellbeing. It might make certain P.E. lessons difficult for them to participate in and could sometimes lead to breathing difficulties, skeletal problems and fainting.
- Trans aware offer a service to support with binding, if required
- Gender – the way that a person feels about themselves in relation to their physical and mental self; the basis of their identifying as male, or female, or neither, or either, or both.
- Gender Dysphoria – the medical condition that describes the symptoms of being transgender.
- Gender Identity Disorder - GID is a medical term describing transgender, this tends not to be due to the subtext around the word 'disorder'.
- Gender Recognition Certificate – an official document presented by a Gender Recognition Panel that enables all official documents and records (including birth certificate) to be amended to the true gender of the individual thereby providing full legal recognition.
- Gender Role – the social role/interaction with others, which gives expression to the inner gender identity and reinforces it.
- Packing – a F2M person may wear a prosthetic item in their pants that will give a 'bulge' in their trousers so that they appear more male.
- Sex – the way a person's body appears, sometimes wrongly, to indicate their gender.
- Transgender – a person that feels the assigned gender and sex at birth conflicts with their true gender.
- Transsexual – a transgender person who lives fulltime in their true gender.
- True Gender – the gender that a person truly feels they are inside.

Further Information and Guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Equality Act 2010 and Schools – Departmental advice for school leaders, school staff, governing bodies and local authorities (May 2014)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf
- Guidance on Combating Transphobic Bullying in School, GIRES
<http://www.gires.org.uk/assets/Schools/TransphobicBullying-print.pdf>
- Trans*Inclusion Schools Toolkit – Brighton & Hove City Council
<http://www.allsortsyouth.org.uk/wp-content/uploads/2014/02/>

- Trans-InclusionSchools-Toolkit.pdf Transaware – local charity support for parents and schools on Transgender ley@transaware.org.uk Tel: 01642 221107
- Mermaids - raising awareness about gender nonconformity in children and young people amongst professionals and the general public www.mermaidsuk.org.uk info@mermaidsuk.org.uk. Tel: 0344 334 0550
- Tavistock & Portman NHS Foundation Trust – supporting children, young people and families with mental health and complex difficulties
https://tavistockandportman.nhs.uk Tel: 020 7435 7111 Author K.Edmenson / Transaware C

Monitoring, evaluation and review

The Board of Trustees will assess the implementation and effectiveness of this policy. The policy will be promoted and implemented throughout all Trust schools.

This Policy will be reviewed by the Board of Trustees on a two-yearly cycle.

Adherence to the policy will be monitored by the School's Local Committee.

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| Policy adopted: | Summer Term 2024 |
| Other related policies: | |
| Next Review: | Autumn Term 2026 |