



## **TRANSGENDER POLICY**

**Presented to:**

**Full Trustees Meeting  
16 December 2021**

Date approved: <sup>1</sup>	16 December 2021
Date reviewed: <sup>2</sup>	
Date of next review: <sup>3</sup>	Autumn 2022

<sup>1</sup> This is the date the policy was approved by the meeting

<sup>2</sup> This is the date the policy was reviewed prior to its approval above

<sup>3</sup> This is the date as set by the policy review clause or the date approved plus three years

- Headteacher also means Head of College and Principal
- School also means College, Academy or Academies
- MAT refers to Multi-Academy Trust

## **1.0 Introduction**

Gender is often an important part of an individual's identity and developing a positive sense of gender identity is part of growing up. However, gender identity is often complex and there is a spectrum of gender which is wider than just boy/man or girl/woman. Practices to support transgender children are embedded across Trust policies and curriculum and build on best practice already in place to eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations. This policy seeks to provide a broad overview of the needs of transgender children and their families.

### **1.1 Principles**

In developing practice to support trans children, schools should try to follow these principles:

- Listen to the child, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- No child should ever be made to feel that they are the ones who are causing problems or that they owe anything to their school in return for being treated with the equality they deserve and are legally entitled to.
- Avoid seeing the child as a problem and instead see an opportunity to enrich the school community and to challenge gender stereotypes and norms on a wider scale.
- Avoid where possible gender segregated activities and allow the child to access the activity that corresponds to their gender identity.
- Challenge bullying and discrimination.
- Promote positive attitudes to gender diversity by including transgender issues within activities relating to discrimination, hate crime, diversity, inclusion, SRE and PSHE.

## **2.0 What is Transgender?**

2.1 Transgender issues manifest at different times in life in different individuals. In most cases of gender dysphoria, the condition is often apparent in early childhood, when such a child may express behaviour incongruent with and dissatisfaction related to their assigned gender. However, many of these children experience rejection as a result of their differences and quickly attempt to repress them.

2.2 Gender dysphoria is a strong, persistent discomfort and distress with one's gender, anatomy, birth sex, and even societal attitudes toward their gender variance. Transgender young people who experience gender dysphoria tend to be very conscious of their body; appearance, weight, and other people's opinions of their body may become very important.

## **3.0 Legislation**

The legislation states that schools must not discriminate against a child because of their transgender status. There is no legal requirement for schools, as there is with disability, to make 'reasonable adjustments' for transgender children but schools may take a similar approach to ensure that the needs of transgender children are catered for.

### **3.1 The Equality Act 2010**

The Equality Act 2010 applies in England, Scotland and Wales and protects against direct and indirect discrimination, harassment and victimisation under 9 protected characteristics, including gender reassignment. It is illegal to treat someone less favourably because they intend to transition or they have transitioned in the past, and someone remains protected even if they do not proceed with their transition. The Act covers all types of employment, including contract workers and temporary workers, as well as the provision of goods and services by a business.

### **3.2 The Gender Recognition Act 2004**

The Gender Recognition Act 2004 (GRA) enables adults over the age of 18 to gain full legal recognition of their acquired gender. Under this Act, the Gender Recognition Panel (GRP), comprising lawyers and doctors, was established to consider applications for a Gender Recognition Certificate (GRC). The criteria for awarding a GRC include a medical diagnosis of gender dysphoria, at least two years living in the acquired gender and a declaration that the change of social gender role is permanent; medical treatment is not required. Once a person has been granted a GRC, the sex indicated on their birth certificate is changed and they must be legally considered to be a member of that sex for all purposes.

Many transgender people never apply for a GRC. Some may be ineligible under the criteria; others may be eligible but perceive no benefit. It is a personal matter, and the GRC does not affect their rights in their school or college. It is never appropriate for anyone else to ask to see a GRC, though they may ask to see a birth certificate if required to do so – for example, for pension purposes.

### **3.3 The Human Rights Act 1998 and Data Protection Act 1998 Article 8 of the Human Rights Act**

This gives transgender people the same rights as everyone else to privacy and family life. Under the Data Protection Act, information regarding gender reassignment or an individual's gender history is deemed to be sensitive and it is illegal for anyone to disclose it in an official capacity.

### **4.0 Terminology and Language - Names and Pronoun Change**

Respecting a child's request to change name and pronoun is crucial in supporting and validating that child's identity. Some transgender children and young people may wish to change their name to make it in line with their gender identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known to by staff and fellow children. More information on changing names on birth certificates can be found at:

[www.deedpoll.org.uk/CanABirthCertificateBeChanged.html](http://www.deedpoll.org.uk/CanABirthCertificateBeChanged.html)

The child's chosen name should be recorded on the MIS and this name checked as the name for registers. This process will be in liaison with the child's family or carers and shared with staff accordingly.

### **5.0 Attendance**

As a school we will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with Trust schools' absence policies. It is possible that the child may be accessing support from outside of school so provision will be made in order for the child to be absent from school but confidentiality will be maintained at all times when complying with absence procedures. Sensitive care will be taken when recording the reason for absence. The child may need time off for a medical appointment and it should be recorded as a 'medical' code rather than being off sick.

## **6.0 School Photos**

Transgender children may feel fine with having their photograph taken at school but steps must be taken to ensure that these images do not reveal any confidential information. We will always seek parental/carer permission to publish photos in line with school policy on photo and media permissions.

## **7.0 Transphobia and Bullying**

Trust schools have robust anti-bullying policies in place. In line with policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, eg racist or homophobic incidents. The correct terminology and language should be used and in order to do this there may need to be some education in lessons around sexual orientation and gender so that staff and children have a clear understanding that sexual orientation and gender identity are two completely different things. For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender children. Staff, including new staff are trained appropriately to be aware of trans children to avoid such situations. Where mistakes are made, training and support is offered to the staff member and child. The recording and handling of any transphobic bullying incidents will be dealt with in line with the anti-bullying policy and recorded appropriately on the MIS as part of policy to report such matters.

## **8.0 Physical Education**

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental well-being of young people. Physical Education develops child's competence and confidence to take part in a range of physical activities that become a central part of their lives, both in and out of school.

- 8.1 A transgender child has the same right to Physical Education as any other child. With regard to transgender children at school, there should be reasonably few, if any, issues regarding participation within the sports of their true gender.
- 8.2 There may be sports where, as puberty develops, male to female (M2F) transgender children may have a physical advantage over other girls but this should not present a problem within a carefully and sensitively managed lesson context.
- 8.3 The issue of physical risk within certain sports will also be managed properly within the lesson context rather than preventing a transgender child from participating (which would be discriminatory).
- 8.4 If a child is binding their chest, they should be monitored carefully during particularly physical activities and in hot weather. There is a chance that the binding could cause discomfort or even impair breathing. Short breaks from activity could be offered discretely.

## **9.0 Changing Room Facilities**

The use of changing room facilities will be carefully considered. Facilities for transgender children will be sensitive to their needs and also recognise the needs and sensitivities of other children. When competing at another school or outside venue, school staff will ensure there is appropriate sensitive provision available. We will take a view on prior to the delivery of those lessons, in discussion with parents or carers. Where possible and in line with the discussion of the individual child's needs, the child will be offered a cubicle within the facilities of the gender they identify as. The opportunity for gender neutral facilities will also be offered to the child to ensure that they are supported in promoting their safety and security when changing.

## **10.0 Swimming Lessons**

The transgender child should be given the choice as to whether they wish to partake in swimming lessons or not. If the transgender child wishes to partake in swimming lessons then a risk assessment of the changing facilities should be completed. There must be careful consideration, in consultation with the child and parents/cares and in line with the health and safety policy and procedures. For example, it may be against health and safety regulations to wear a t-shirt in the swimming pool and therefore would be more appropriate for a F2M child to wear an all in one wetsuit or similar.

## **11.0 Toilet Facilities**

There is provision in school for unisex toilets which are clearly labelled as neutral facilities and this information is shared with the trans child. If they wish to, transgender children will be able to use these facilities which have been labelled sensitively and appropriately. Otherwise transgender children will use the toilets that are appropriate to their gender identity.

## **12.0 School Uniform**

Transgender pupils/students will be expected to follow the school's Uniform Policy, which covers uniform, make-up, jewellery and hairstyles. There is a broad range of uniform available for both genders. Pupils/students opting to wear the uniform associated with their gender identity will be able to do so following discussion with the child, parent/carer.

## **13.0 Residential Visits**

Careful consideration and preparation is needed where a transgender child is taking part in a residential visit – transgender children will not be excluded from the visit.

- 13.1 The sleeping arrangements will need to be thought about carefully before the visit takes place. Risk assessments should be carried out prior to the residential visit so that reasonable adjustments can be made to allow the child to participate fully. Liaison with the child, parent/carer and trip organiser will be key.

## **14.0 Media Interest**

Confidential information about pupils/students will not be shared with other parents. The following suggested suitable response for staff should they be asked questions in relation to trans issues:

*"We value our pupils and care for them, whatever their personal circumstances. Our main job is to give them a good education in a happy school environment. That is what we are focusing on and we would ask everyone to respect the privacy of all our pupils/students."*

- 14.1 The school will not engage with the press over the issue without seeking advice of the LA press officer, media relations officer or Headteacher.
- 14.2 Staff must know their duties and responsibilities around data protection so that they fully understand why information is protected and when, how and to whom certain information can be released.

## **15.0 Confidentiality**

All people have a right to privacy. This includes the right to keep private one's Trans status or gender non-conforming presentation at school. Information about a child, young person

or staff member's trans status, legal name, or gender assigned at birth also constitutes confidential medical information. School staff should not disclose information that may reveal a child or young person's transgender status or gender non-conforming presentation to others, including parents/carers and other members of the school community unless legally required to do so or because the child or parent/carer has given permission for them to do so. Staff need to be careful about discussing the trans gender child beyond the confines of the school.

- 15.1 Transgender children and staff have the right to discuss and express their gender identity openly and to decide when, with whom and how much to share information. When contacting the parent or carer of a trans child or young person, school personnel should use the child or young person's legal name and the pronoun corresponding to their gender assigned at birth unless the child, young person, parent, or carer has specified otherwise.

## **16.0 MONITORING AND REVIEW OF THE POLICY**

- 16.1 The Trust Board (or responsible committee) will review this policy in line with the procedure for policy review.

16.2 Date for Review

If no other reason for review (see policy review procedure) this policy will be reviewed in one year.