

# Transgender policy



**Approved by: Full GB**

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**Last reviewed on:**

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The Duston School is a 4-19 years mixed, all-through School, with designated Specialist College status in Business & Enterprise, and Science.

The purpose of this policy is to explain The Duston School's good practice in the field of Transgender consideration in order to minimise the distress and disruption to all pupils by:

- ensuring teachers and Governors are 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

## **Policy Statement**

### **Transgender Identity**

A Transgender person feels that their external appearance (*sex*) does not match up with the way they feel internally about their gender identity. A Female to Male (*F2M*) person will have the external appearance or body of a female and identify their gender as 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 transsexual, 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, 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 with Gender Dysphoria is usually referred through the Gender Identity Development Service (GIDS) at Tavistock and Portman NHS foundation trust in London. GIDS has two main clinic in London and Leeds. 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**

### **The 1889 Children's Act**

The 1989 Children's Act provides a comprehensive framework for the care and protection of children. It defines parental responsibility and encourages partnership working with parents. The 2004 Children's Act reinforces that all organisations working with children and young people to help and promote the welfare of children.

### **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 lawfully.
- Failure to change a person's title, name and gender when requested could lead to the following offences under the 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
- 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 of expression
- Article 14: the prohibition of discrimination

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

The Gender Recognition Act 2004 is mainly concerned with the process by which a person can get a Gender Recognition Certificate, and correct their original birth certificate to match their true gender. This can only occur after a person reaches 18 years of age but is something that many younger people may aspire to.

### **Equality Act 2010 (Great Britain)**

The Equality Act 2010 ensures legal protection against discrimination, harassment and victimisation (direct or indirect) for everyone under the nine protected characteristics defined in the Act, one of which is Gender Reassignment (also known as Transgender).

Part 6 of the Equality Act 2010 makes it clear that the Act specifically refers to School, and young people.

The Equality Act 2010 (2:1:7) states that:

"A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."

The Act applies to employment, education and a range of other areas where discrimination may take place. In order to be protected under the Act, a pupil will not necessarily have to be undergoing a medical procedure to change their sex, but they must be taking steps to live in the opposite gender, or be proposing to do so.

### **Sex Discrimination (Gender Reassignment) Regulations 1999**

- Individuals who intend to undergo, are undergoing or have undergone gender reassignment are protected from discrimination in work, school and vocational training (including higher education study).

- Less favourable treatment relating to absences arising from gender reassignment is unlawful if:
- the treatment is less favourable than if it had been due to sickness or injury
- The treatment is less favourable than if it had been due to some other cause and, having regard to the circumstances of the case, it is reasonable not to be treated less favourably.
- Less favourable treatment includes the arrangements relating to terms and conditions or arrangements under which employment, education or vocational training is offered.

### **Discrimination**

As stated, The Equality Act 2010 ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.

The legislation states that a school must not discriminate against a pupil because of their Transgender status. Discrimination can be direct or indirect. Indirect discrimination occurs when a provision, criterion or practice applies to everyone but puts a person with a particular protected characteristic at a particular disadvantage, and it cannot be justified as a proportionate means of meeting a legitimate aim. An example might be an inflexible school uniform rule which offers no "unisex" options such as trousers for girls, and which would therefore create a particular difficulty for a F2M pupil.

#### School Attendance

The Duston School will make reasonable adjustments to accommodate absence requests for treatment and external sources in line with their absence policy. Sensitive care will be taken when recording the reason for absence.

### **Transphobia and Bullying**

The Duston School have a robust anti-bullying policy. In line with this policy, transphobia incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

#### Training

In order to ensure all staff and Governors have the skills to deal with Transgender issues, The Duston School will hold training sessions on topics such as:

- Safeguarding
- Confidentiality
- Gender Identity
- Tackling transphobia
- Relevant legislation

All topics will be covered during the The Duston School's INSET programme and will be revisited annually.

## **The Curriculum**

The issues connected to Transgender will be visited for all pupils during curriculum time during the PSHE programme. These issues will also be touched upon during other subjects.

## **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 pupils' 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. A young Transgender person has the same right to Physical Education as other young people.

With regards to young Transgender people at school or college, there should be reasonably few, if any, issues regarding participation within the sports of their true gender. There may be sports where, as puberty develops, M2F Transgender participants may have a physical advantage over other girls but this should not present a problem within a carefully and sensitively managed lesson context. The issue of physical risk within certain sports should also be managed properly within the lesson context rather than preventing young Transgender people from participating (which would be discriminatory).

It may be that due to the nature of contact and physicality of some sports, the school would consider whether a Transgender person participating in full contact lessons is appropriate towards the latter stages of puberty. This is something that The Duston School will take a view on prior to the delivery of those lessons, in discussion with parents or guardians.

The use of changing room facilities will also be carefully considered. Facilities for Transgender participants will be sensitive to their needs and also recognise the needs and sensitivities of other pupils. When competing at another school or outside venue, school staff must ensure there is appropriate sensitive provision available.

## **Work Experience**

As already stated, the Equality Act 2010 encompasses every environment that pupils will be working in, therefore all placements should be aware of their duties and responsibilities. Where The Duston School is considering allowing a Transgender young person to attend a work experience placement the school will complete a suitable assessment on the potential placement to establish if there is any risk to the young Transgender person, taking account of the young Transgender person's right to privacy – as a general principle, personal information on the young Transgender person must not be shared.

The Duston School will be sensitive to this in their planning before any young Transgender person is placed in any business or organisation. Careful discussion about the placement with the pupil and parents or guardians, will occur to find the most suitable way forward to ensure the placement is successful.

## **Changing/Toilet Facilities**

There is provision in The Duston School for Transgender pupils to use unisex accessible toilets. Transgender pupils will be able to use these facilities which have been labelled sensitively and appropriately. The Duston School has conducted an audit of the appropriateness of the facilities.

## **School Uniform**

Transgender pupils will be expected to follow the School Uniform Policy, which covers uniform, make-up and jewellery. There is a generally broad range of uniform available for both genders (i.e. girls and boys can wear trousers).

## **Name Changing and Exam Certification**

If a Transgender pupil wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters home, report cycles, bus pass information etc. 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.

Technically, pupils can be entered under any name with an Examination Board. However, it is a very complex matter. Once a result is accredited it will need to be linked with a Unique Pupil Number (UPN) or Unique Learner Number (ULN) which existed in the school census information submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. In order to use a chosen or preferred name on an exam document a pupil will need to have changed their name by deed poll. If the pupil is under 16 the consent of all people with parental responsibility is required. Once the pupil is 16 they can apply for a deed poll in their own right. Parents consent is not needed.

Schools and colleges are encouraged to ensure a strategy is agreed with the pupil and their parents or guardians, then agreed with the various Examination Boards prior to starting GCSE courses as some examinations may be sat in year 10 and the length of time the process re-registering may take. Schools will also need to be aware that the DfE analysis of school performance 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 possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a 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.

## **Vaccinations**

The Duston School will allow any gender specific vaccinations to be carried out at the GP's surgery in order to eliminate any embarrassment.

### **School Visits**

Learning about different cultures and lives and taking part in activities may lead to overnight stays, both at home and abroad. Issues may arise for both young Transgender pupils and other pupils but this must not mean Transgender pupils cannot be included on the visit. The Duston School will give consideration well in advance of any additional needs which may include having a parent or guardian (or member of staff) accompanying the visit to ensure the Transgender pupil is fully included.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the Transgender pupil would prefer to have a separate room etc. 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.

With regards to a visit abroad, anyone can be searched at borders and other places. Different countries will have policies and procedures they will follow. Where possible, The Duston School will contact the relevant border control or agency in advance to ensure that any policy or risk assessment completed by the school is accurate for that visit.

Some have laws that make it illegal to be part of the Transgender community. Some countries even make it an offence not to report to the authorities that someone is part of the Transgender community. The Duston School will consider and investigate the laws regarding Transgender communities in any country considered for a school visit.

### **GLOSSARY OF TERMS**

Binding – a F2M adolescent 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 PE lessons difficult for them to participate in and could sometimes lead to breathing difficulties, skeletal problems and fainting.

F2M – Female to Male, a person that was identified as Female at birth but came to feel that their true gender is actually Male.

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 being Transgender, this tends not to be used owing 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.

M2F – Male to Female, a person that was identified as Male at birth but came to feel that their true gender is actually Female.

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.

Transitioning – the process by which a person starts to live in 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.

<b>Links to other policies</b>	Safeguarding		
<b>Staff responsible</b>			
<b>Date approved by GB:</b>		<b>Review Date</b>	