

# Transgender Policy

(in conjunction with the Peninsula Multi Academy Trust)

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## **Transgender Policy**

The purpose of this Transgender Policy is to minimise the distress and disruption to all students by:

- ensuring teachers and Governors are dealing with transgender matters inclusively and sensitively providing an inclusive environment for any transgender student
- ensuring all students are aware of and educated on issues of transgender

## **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 students 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 (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 from the Tavistock clinic in London (*the Tavistock hold regular satellite clinics in Exeter*). 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 lawfully.
- Failure to change a person's title, name and gender when requested could lead to offences under the Data Protection Act.
- Any disclosure of personal information that is used, held or disclosed unfairly, or without proper consent could result in a breach of the Data Protection Act.
- Failure to ensure that personal information is accurate and up-to-date could result in a breach of the Data Protection Act.

### **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 to which many younger people may aspire.

## **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 student 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 student 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 student.

## **School Attendance**

Weatherhead High School will make reasonable adjustments to accommodate absence requests for treatment and external appointments in line with the Absence Policy. Sensitive care will be taken when recording the reason for absence.

## **Procedure**

When a student expresses a desire for any change in identity, gender or pronoun, the procedure is as follows:

1. As a school, we receive request for change of name (either through a disclosure to a teacher or a parental request).
2. Mrs Walton, Assistant Headteacher / Safeguarding Lead, arranges a meeting with the family and the child to discuss the decision. During the meeting, key topics are covered such as:
  - PE arrangements
  - Toilet arrangements
  - Support provided
3. Once the meeting has been held, Mrs Walton, informs the Headteacher and the HR Manager and all changes are formally made on our school systems.

4. All of the child's teaching staff are made aware, as are pastoral teams for the child.
5. Pastoral and Academic support workers hold a termly review of progress and assess any support required.
6. Mrs Walton updates staff each term on any changes to our LGBTQ+ register.

## **Transphobia and Bullying**

Weatherhead High School has 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, Weatherhead High School will hold training sessions on topics such as:

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

All topics will be revisited annually.

## **The Curriculum**

The issues connected to transgender will be visited for all students within the curriculum.

## **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 students' 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 regard to young transgender people at school, there will be reasonably few, if any, issues regarding participation within the sports of their true gender.

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 students. When competing at another school or outside venue, school staff will ensure there is appropriate sensitive provision available.

## **Work Experience**

As already stated, the Equality Act 2010 encompasses every environment in which students will be working. All placements will therefore be aware of their duties and responsibilities. Where Weatherhead High 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.

Weatherhead High 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 student 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 Weatherhead High School for unisex toilets. Transgender students will be able to use these facilities which have been labelled sensitively and appropriately. Weatherhead High School has conducted an audit of the appropriateness of the facilities.

## **School Uniform**

Transgender students 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. students can wear trousers and all students must wear a school jacket and shirt/blouse).

### **Name Changing and Exam Certification**

If a Transgender student wishes to have their preferred name recognised on school systems, this will be supported and will feed on to letters home, school reports, 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 student is taking steps to, or proposing to, move towards a gender in which they feel they wish to live.

Technically, students can be entered under any name with an Awarding Body. 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. It is possible for examination certificates to be issued in the preferred name, but the parents and guardians of any young person finding themselves in this position should discuss this issue with Weatherhead High School to establish the best way forward.

Schools and colleges are encouraged to ensure a strategy is agreed with the student and their parents or guardians, then agreed with the various Awarding Bodies prior to starting GCSE courses. Schools will also need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

### **Vaccinations**

Weatherhead High 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 students and other students but this must not mean transgender students cannot be included on the visit. Weatherhead High School will give consideration well in advance of any additional needs.

The sleeping arrangements will be considered before a visit is undertaken; it is possible that the transgender student 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. Weatherhead High 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.

There are countries that are not as legally and culturally open as the UK on transgender issues. Weatherhead High School will consider and investigate the laws regarding transgender communities in any country considered for a school visit and take any necessary action.

### **Review of Student Support**

Following a preferred name change, students will be assigned a key worker and their progress will be reviewed termly.

- Year Leader to review attendance and academic progress
- Areas of strength and development to be identified and action planned with the designated key worker
- A review of the term will be provided to the Assistant Headteacher (Student Services) who will make contact with parents/carers and provide information / updates as necessary

## **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.

**Packing** – a F2M person may wear a prosthetic item in their pants that will give a “bulge” in their trousers so as to 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.