

Transgender Guidance

*(Reviewer: Katy Jacques, Simon Hilliard July 2022
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1. Introduction

The purpose of this guidance is to support, inform, protect and enable pupils questioning their gender identity or in the process of gender transition to achieve their full potential whilst at school and to minimise concerns and disruption to other pupils.

Gender Identity issues are becoming increasingly recognised by schools because in recent years, research, legislation and the professional capacity to understand the issues have increased the awareness of Gender Dysphoria. One positive outcome of this increased awareness is the increasing number of young people coming forward with issues around their gender.

2. Legislation

Key legislation:

- Human Rights Act 1998
The following articles from The Human Rights Act 1998 support the rights and needs of Trans gender (here after referred to as 'Trans') 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 (See resources section for more information)
- 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, what they want to be, 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
The Equality Act 2010 ensures legal protection against discrimination (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 schools and young people

3. Absence from School

The school will make reasonable adjustments to accommodate absence requests for treatment and support from external sources in line with our absence policy. Care must be taken to accurately and sensitively record the reason for the absence e.g. the pupil may need time off for a medical appointment.

4. Terminology and Language

It is good practice to focus on correct terminology and the use of language in school. In addition, there may be a need to focus some education in PSHE and within the tutor system around sexual orientation and gender, so that young people have a clear understanding that sexual orientation (being heterosexual, bisexual, gay or lesbian) and gender (being male or female), are completely different things.

Terminology and language can be confusing around Trans issues. Different organisations and individuals sometimes prefer different terms to identify themselves and the nature of being Trans. Often Trans people choose a different first name for their new identities and want documentation and records to reflect this, for example, the online house register system, and CGR's.

It is extremely important, as a matter of fairness, respect and inclusion, to ensure that the correct gender, name and pronouns are used uniformly to address Trans people. Hearing people use 'him' or 'her' incorrectly can be uncomfortable or seriously detrimental for a Trans person to hear, especially when they are trying hard to confirm people's awareness of a new identity. It can be very difficult for a Trans pupil and the school to get used to the change of name or gender if the pupil has not been known by that identity since the start of their time at school. There may well be times when a mistake is made and this can be embarrassing for all parties. If there is difficulty in 'getting it right,' the use of the chosen first name will help to overcome this.

5. Transphobia and Bullying

There are a number of resources at the end of this document that can help the school to deal with and report Transphobia and Transphobic bullying. The school's anti-bullying policy will deal with many of the issues that will arise.

Transphobic incidents will be recorded and dealt within the same manner as other incidents that are motivated by prejudice or hate e.g. racist and homophobic incidents. Trans people may be the subject of prejudice and the target of bullying because of their "difference". This can be compounded by a lack of understanding and clear explanations; which in turn can generate confusion causing people to revert to learned negative gender stereotyping. Transphobic behaviour may be directed to the actual Trans person, a friend or supporter, or anyone that may be perceived to be Trans (whether they are Trans or not).

All of these situations must be managed in line with the school's Anti-bullying Policy.

6. Training

The school may identify a need for staff training, in which case the school will source training in the subject.

Training should include:

- Confidentiality
- Gender identity
- Privacy and dignity
- Tackling transphobia
- Relevant legislation

There is a list at the end of this document of key resources and organisations.

7. School Uniform and Games Kit

School uniform should not present an issue for Transgender young people - just as for any other pupil, they will be expected to follow the school uniform policy and rules with regard to jewellery and make-up. For games there are a range of items available which are suitable for both genders

(i.e. shorts or tracksuit bottoms) so that pupils that are having gender issues have a 'gender neutral' option.

There will need to be consideration in relation to Female to Male (F2M) pupils who are binding (see glossary for definition) which is very restrictive in terms of physical activity. Consideration will also need to be given to the swimwear worn by pupils when participating in swimming lessons or water based activities. Exploring alternative swimwear options may avoid potential issues that could develop owing to the revealing nature of this type of clothing. For example, there is a range of clothing available on the high street which could be helpful e.g. skirted swimsuits, rash vests, 'baggy' shorts or short wetsuits as alternatives to traditional costumes.

Provided the child is dressing in an appropriate manner for our school regulations and feels safe and supported there should not be an issue.

8. Sports and Physical Education

Physical education and games are important for a pupil's physical and mental well-being. Physical education develops pupils' competence and their 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 Trans person has the same right to physical education and fitness as other young people.

There should be reasonably few, if any issues with regard to young Trans people taking part in PE lessons or within games associated with their birth gender. There may be sports where, as puberty develops, Male to Female (M2F) Trans 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 by preventing young Trans people from participating (which would be discriminatory).

9. Activities involving physical contact

It may be that owing to the nature of contact and physicality of sports such as rugby that the school would consider whether Trans participation in full contact situations is appropriate towards the latter stages of puberty. This is something that the school, in discussion with parents, will take a view on prior to the delivery of those lessons.

Within the competitive and representative aspects of school sports (outside of PE lessons), the heads of games must seek the clarification of the various sporting governing bodies, which are beginning to attend to Trans issues bearing in mind the Equality Act 2010. That said, in the legislative framework of some sporting governing bodies, there is currently little clarity regarding Trans participation particularly around competition and representation at school level.

F2M young people may not gain a physical advantage in some sports, so there should be no issue regarding their participation (except those sports where there may be an issue regarding physical risk in high contact sports e.g. rugby, where the school will need to carefully consider its approach). Consideration must be given to F2M who are binding.

The issues of competitive sport in relation to M2F is a little more complex, as there may be a physical advantage gained by M2F Trans participants in some sporting contexts. Whilst the various sporting bodies have not given specific advice about this at school level, the school will take a common sense approach to the issue and deal with specific circumstances on an individual case-by-case basis. For

example, it is highly likely that in football, no physical advantage would be gained in participation at the age of 11-12, but by the age of 15-16, there may be significant differences, which may need to be taken into account. In certain circumstances some pupils may be in receipt of hormone blockers which may affect performance and eligibility for competition. Whilst the school should be mindful of the clarification of the various sporting bodies, which do have more issues with M2F participation than F2M, the school reserves the right to treat each case individually and sensitively and have close liaison with parents throughout this process.

10. Use of Toilets & Changing Facilities

Experience in other schools reveals that the use of toilets and changing facilities often causes the most amount of debate around inclusion of Trans pupils. Concerns of Trans pupils are that they may find themselves in vulnerable situations such as a toilet or changing room where they could fall victim to unwanted attention, that could (if escalated), lead to sexual bullying, assault or other physical or emotional harm but, equally, that they are seen and treated as a member of their true gender. Trans pupils at Hurst should therefore use the easy-access unisex facilities rather than those for their true gender – Hurst currently has three private toilets on campus: ground floor of the Science block; the Sports Hall and just by the Conference Room in the Classroom Block. This will help ensure that the school respects the dignity and privacy of Trans pupils whilst ensuring their safety. Future building projects will look to include more unisex toilets.

The use of changing room facilities needs careful consideration. Facilities for Trans participants should be sensitive to their needs and also recognise the needs and sensitivities of other pupils. There are accessible/unisex facilities in the Sports Hall and Houses which should be used, and the development of sports facilities in the future, should include a review of unisex changing facilities.

Changing facilities will need to be managed sensitively at a competitive or representative level. When competing at another school or outside venue, school staff will need to make sure appropriate and sensitive provision is made for changing which respects both the dignity of a young Trans participant and also their privacy. A situation where a Trans pupil arrives in another school as part of a team and finds that no appropriate provision has been made in advance for changing and showering could be both distressing and detrimental and should be avoided.

11. Personal Social Health Education and Curriculum

PSHE lessons are an important part of preparing young people for some of the issues that they will come across in their lives. Awareness of Trans issues will be included within the programme. There are organisations that can support schools through all the key stages to widen their breath of knowledge. It might be as simple as ensuring, from the earliest key stage, that the resources available (see resources section) are more widely used in the school.

It may be appropriate that lessons intended should be brought forward a year or two and lessons might need to be more flexible in their content, particularly if the school is aware that we have a Trans child/parent within the school community. Lesson-resources provided on the 'School's Out' website may be useful in this respect (see resources section for more information).

12. Duke of Edinburgh and CCF

A Trans pupil should be able to take part in the DofE scheme and CCF. However, for some activities there will need to be consideration in relation to F2M pupils who are binding which is very restrictive

in terms of physical activity. In addition, participation in overnight camps would need to be carefully and sensitively planned.

13. School Trips, Exchanges and Overnight Stays

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 Trans pupils but this must not mean that they cannot be included on the trip. Consideration will be given well in advance to any additional needs; it is possible that the pupil would prefer to have a separate room etc. Each individual case and trip needs to be thought of separately and in depth discussions will take place well in advance with any and all appropriate bodies.

The school should consider, just as anyone can be searched, that Trans pupils may be searched at borders and other places. Different countries will have policies and procedures that they will follow. Contacting the relevant border control or agency in advance will ensure that any policy or risk assessment completed by the school is accurate for that visit or trip. There are countries that are not as legally and culturally open as the UK. In fact 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 school should consider and investigate the laws regarding Trans communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) has more information on their website about countries that pose a risk to Trans individuals.

In relation to passports the passport office has a confidential service for people that are Trans (0800 448 8484) and more advice can be found here: <http://www.ukdps.co.uk/AdviceForTranssexuals.html>

The risk assessment should include Trans pupils. Any risks identified from the assessment should be managed so that any reasonable adjustments can be considered to facilitate the participation of the Trans pupils.

14. Vaccinations

Consideration will be given to allowing the young Trans person to receive their vaccinations from their GP if the vaccination is gender specific i.e. a F2M Trans pupil may find it very difficult to stand in a queue of girls awaiting a female specific vaccination. It should also be recognised that vaccinations are not always separated by gender (male / female) and if it is still necessary to have mass vaccination sessions in school, then a mixed gender queue could be used, as well as screens for the person receiving the vaccination be supplied to promote privacy whilst being included in the mainstream (See Article 8 Human Rights Act 2004).

15. Changing Names and Exam Certificates

Changing their name and gender identity is a pivotal point for many Trans people. If a Trans pupil wishes to have their preferred name recognised on school systems, this will be discussed with parents/carers and amendments made as agreed. Furthermore the change of name and associated gender identity will be respected and accommodated in the school where appropriate. It is a real indicator that the Trans pupil is taking steps to or proposing to move towards a gender they feel they wish to live in.

Pupils can be entered under any name with an examination board.

It is possible for examination certificates to be issued in the preferred name.

The school will ensure a strategy is agreed well in advance with the pupil and their parents and then communicated with the various examination boards prior to starting GCSE/GCE courses.

Note: a problem may arise for someone who changes name between examination sessions.

The examination officer should contact the relevant exam board to discuss their processes. The examination officer must also ensure that the correct name is used on examination certificates before being sent to pupils.

The school will also need to be aware that the DfE analysis of school performance may still present the pupil in the gender registered by the school.

16. Work Experience

There is an obligation on the part of the school and its work experience placements to keep pupils safe. 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 school is considering allowing a Trans young person to attend a work experience placement the school must complete a suitable assessment on the potential placement to establish if there is any risk to the young Trans person taking account of the young Trans persons right to privacy - as a general principle personal information on the young Trans person must not be shared. The school must be sensitive to this in the planning stage before any young Trans person is placed in any business or organisation. Careful discussion about the placement with the pupil, parents or guardians needs to occur to find the most suitable way forward to ensure the placement is successful.

17. Dealing With The Concerns Of Staff And Families

Staff concerns can be dealt with by providing appropriate training and having a clear policy (Equality and Diversity Policy) so the school can address the issues that are most commonly raised. Showing that the social, moral, spiritual and cultural considerations and also any legal and financial issues have all been addressed can reduce the anxieties that develop amongst staff e.g. disclosure. There are a number of factors that determine how much information schools may disclose.

18. Disclosure of information

The school should not share private and confidential information about any pupil with other pupils and parents, unless express permission is given by the Trans pupil and their parents/carers.

19. The Press

If the press contacts the school the following suggested press release has been used by other schools and will be suitable in most circumstances in relation to Trans issues:

‘As this issue involves the personal circumstances of a young child we are unable to make any comment on this individual case. This school is committed to working with families and other

agencies to ensure that the needs of all children and young people are met and that they can achieve their full potential’.

In general a member of staff should not engage with the press over this issue. Any questions around media concerns should be directed towards the Head of College. All members of staff will be made aware of the potential interest so that they are prepared. This will allow staff to remain professional and calm throughout and remain clear about the message that the school endorses.

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.

20. Moving from One School to Another

Changing schools can be seen as a new start so this may well be the point at which young Trans people make a conscious decision to be known by their true gender. At times this may be problematic, negatively effecting friendships, behaviours and reputation in the school. However, changing schools can also be a very empowering time if the correct support and preparation is in place. It must be remembered that in school transition young Trans people may, for the first time, find they are able to express themselves and be truly happy and thus contribute positively and successfully both to their own academic development and to the school’s environment.

The management of a move between schools needs careful consideration and good communication between the old and the new school. The thoughts, concerns and wishes of the young Trans person and their family need to be sought and considered at the earliest opportunity. Preparations might include identifying a single point of contact in the next school so that the young Trans person has the opportunity to develop a relationship with that single contact prior to arrival. This will help make the transition from one school to the other as seamless as possible. The new school then takes on a responsibility for preparing their school community in a safe and secure way so that the child is supported in the most appropriate way for them.

21. Appendix 1

Useful Contacts and Resources

<u>Agency/ Contact Details</u>	<u>Web links</u>	<u>Services Provided</u>
GIRES	www.gires.org.uk	Gender identity research & education Society - whose purpose is to improve the lives of trans and gender non-conforming people, including those who are non-binary and non-gender.
GIDS	www.gids.nhs.uk	The Gender Identity Development Service (GIDS), established in 1989, is a highly specialised clinic for young people presenting with difficulties with their gender identity, commissioned by NHS England and part of the Tavistock and Portman NHS Trust.

Schools Out	www.schools-out.org.uk/	There are lesson plans, items about LGBT History Month (February), Transphobic bullying and info for teachers.
Gendered Interest	http://genderedintelligence.co.uk/	A community interest company that runs arts programmes, creative workshops, mentoring, and youth group sessions to Trans youth (under the age of 25) across the UK.
Mermaids	www.mermaids.org.uk	National body that examines the science around gender and Transgender individuals produces a wide range of resources for schools and other public bodies, including a toolkit on combating Transphobic bullying and an e-learning package.
Trans Media Watch	www.transmediawatch.org	Provides guidance for the Media in representing Transgender people as well as guidance for Transgender people in dealing with the Media.
The Beaumont Society	www.beaumontsociety.org.uk	National society that supports mainly M2F Trans people and their families and friends.
Allsorts	www.allsortsyouth.org.uk	Brighton-based youth project that provides a range of support services for LGBTQ young people
BOOKS:-		
It's Okay To Be Different		Todd Parr
You're Different And That's Super		Carson Kressley
We're Different, We're The Same		Bobbi Kates
Incredible You		Wayne Dyer
The Transgender Child: A Handbook For Families And Professionals		Stephanie Brill & Rachel Pepper
Helping Your Transgender Teen: A Guide For Parents		Irwin Krieger

22. Appendix 2

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 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 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.

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 underwear that will give a 'bulge' in their trousers so as to appear 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.
Transitioning	The process by which a person starts to live their true gender.
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.
Transsexual	A Transgender person who lives full time in their true gender.
True Gender	The gender that a person truly feels they are inside.