

# St. John Bosco RC Primary School



# Transgender Policy

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## 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. Practice to support transgender pupils is embedded across school 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 pupils and their families.

## PRINCIPLES

In developing practice to support transgender pupils, schools should try to follow these principles:

- Listen to the pupil, their parents, carers and siblings. Wherever possible follow their lead and preferences.
- No pupil should 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 pupil 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 where this cannot be avoided, allow the pupil 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.

### 1. What is Transgender?

Transgender children and young people are usually dependent on their parents for care, shelter, financial support, and other needs, and because most doctors are reluctant to provide medical treatments to them, transgender children and young people face different challenges compared to adults. 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. Therefore, people who see these children regularly may be unaware that they are unhappy as members of their assigned gender. 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. Body esteem of several transgender young people was measured in an interview in three categories (personal satisfaction of appearance, personal satisfaction of weight, and perceived satisfaction of others of one's body appearance). It was found that those transgender young people who experienced less personal satisfaction with their weight and who perceived others' satisfaction with their body as worse were more likely to practice life threatening behaviours than those who were more satisfied with their weight and thought that others view their body more positively.

### 2. Early Help Process

It is important that any support offered to a transgender pupil starts with identifying their individual needs. It must be understood that some transgender pupils may not want any special treatment. Some may choose to be known by a different name or to wear different clothes. However, most transgender pupils (and their families) will need some expert/ specialist support as they grow up and develop. A transgender pupil would benefit from an Early Help Assessment in line with Sunderland Children's Safeguarding Board procedures to identify any additional needs arising from transgender issues. We would (with agreement and in consultation with the pupil and parent/carer) complete an Early Help Assessment to identify specific information that the pupil would like to be shared with those working with them to avoid them having to repeat themselves. When completing the assessment particular attention should be paid to the sections on emotional health and wellbeing, family and social relationships, and behaviour and an action plan put in place to address these issues and ensure the pupil has a robust support plan. The allocated Lead Professional should always be someone who knows and gets on well with the pupil.

Further guidance on the Early Help Process; <http://www.sunderland.gov.uk/index.aspx?articleid=1587>

### 3. Terminology and language

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 pupils 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 pupils.

#### **4. Names and pronoun change**

Respecting a pupil request to change name and pronoun is crucial in supporting and validating that pupil's identity. Some transgender pupils 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 pupils.

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)

#### **5. School Attendance**

As a school we will make reasonable adjustments to accommodate absence requests for any treatment or appointments with external sources in line with our absence policy. It is possible that the pupil may be accessing support from outside of school so provision will be made in order for the pupil 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 pupil may need time off for a medical appointment and it should be recorded as an M code rather than being off sick.

#### **6. School Photos**

Transgender pupils 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 the school policy.

#### **7. Transphobia and Bullying**

We have a robust anti-bullying policy in place. 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.

#### **8. Physical Education**

Sports and Physical Education is a key aspect of the national curriculum and the physical and mental wellbeing of young people. Physical Education develops pupil'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. A transgender pupil has the same right to Physical Education as any other pupil. With regard to transgender pupils at school, 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, male to female (M2F) transgender pupils 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 will also be managed properly within the lesson context rather than preventing a transgender pupil from participating (which would be discriminatory).

If a pupil 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. Changing Room Facilities**

The use of changing room facilities will also be carefully considered. Facilities for transgender pupils 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 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.

#### **10. Swimming lessons**

The transgender pupil should be given the choice as to whether they wish to partake in swimming lessons or not. Parents/Carers will be made aware of the statutory responsibility for all children to be able to swim 25 metres by the end of Key Stage 2. If the transgender pupil 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 pupil and parents/carers and in line with the health and safety policy of the leisure centre or swimming pools health and safety 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 pupil to wear an all in one wetsuit or similar.

#### **11. Toilet Facilities**

There is provision in school for unisex toilets. If they wish to, transgender pupils will be able to use these facilities which have been labelled sensitively and appropriately. Otherwise transgender pupils will use the toilets that are appropriate to their gender identity.

## **12. School Uniform**

Transgender students will be expected to follow the School Uniform Policy, which covers uniform, makeup, jewellery and hairstyles. There is a range of uniform available for both genders.

## **13. Residential Visits**

Careful consideration and preparation is needed where a transgender pupil is taking part in a residential visit – transgender pupils will not be excluded from the visit. 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 pupil to participate fully.

## **14. Vaccinations**

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

## **15. Confidentiality**

Confidential information about pupils will not be shared with other parents. The following suggested suitable response for staff to offer should they be asked questions in relation to trans issues: "We value all 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." School will not engage with the press over this issue without seeking the advice of the LA press officer or media relations officer. 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.

## **16. Legislation**

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

This guidance will outline the adjustments and steps that schools may need to take to meet the needs of transgender 2 pupils. The practicalities and arrangements for such adjustments will vary from school to school.

### **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 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. The school governing body has a responsibility to ensure that the school is complying with its requirements under the Equality Act.

### **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.

## **17. MONITORING AND REVIEW**

The effectiveness of the policy will be monitored by the Headteacher, SLT and governors and will be reviewed in 2 years or sooner should any information change.

**Signed:** \_\_\_\_\_

**Designation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Review Date:** \_\_\_\_\_